

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

May 4, 2021

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

Also Present: County Clerk and Recorder Sara L. Rosene
County Manager Ed Moyer
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 April 27, 2021 Board of Commissioners meeting. The motion passed unanimously.

Commissioner Cimino moved to approve the Minutes of the April 20, 2021 Board of Commissioners meeting. The motion passed unanimously.

Commissioner Cimino moved to approve the Minutes of the April 13, 2021 Board of Commissioners meeting. The motion passed unanimously.

Housing Authority

Commissioner Linke announced the Board is sitting as the Grand County Housing Authority.

Commissioner Manguso moved to approve the Intergovernmental Agreement between Yampa Valley Housing Authority and Grand County Housing Authority for administration of the Section 8 Housing Choice Voucher Program in the amount of \$22.30 per month per lease and authorize the Chair to sign. The motion passed unanimously.

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

General Public Comments

Grand County citizens requested the Board to consider removing the mask mandates for adults and children in the County.

Finance Department

Finance Director Curtis Lange presented the Check Register and Expenditure List to be paid on May 5, 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 May 4, 2021, for payment on May 5, 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 May 5, 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 May 4, 2021, for payment on May 5, 2021, for the Grand County Department of Human Services. The motion passed unanimously.

Commissioner Cimino moved to approve wire payment and vouchers presented on May 4, 2021, for payment on May 5, 2021, for Grand County. The motion passed unanimously.

Pandemic and Fire Costs as of 5-4-2021				
		East Troublesome Fire		
	COVID-19	Paid	Unbilled but expected	Total Fire
2020 Cares Act/ETFire Reimbursement Allocation	\$ 701,883	\$ 20,388		\$ 20,388
Less:				
2020 Personnel costs	\$ 381,135	\$ 137,487		\$ 137,487
2020 Grand Foundation programs funded	\$ 230,000			\$ -
2020 Rural Health grant	\$ 10,000			\$ -
2020 Other operating costs	\$ 115,852	\$ 254,503	\$ 163,155	\$ 417,658
Total 2020 costs	\$ 736,987	\$ 391,990	\$ 163,155	\$ 555,146
Net 2020 (costs) after reimbursements	(\$ 35,104)	(\$ 371,602)	(\$ 163,155)	(\$ 534,758)
2021 Reimbursements Requested	\$ -	\$ -	\$ -	\$ -
Less:				
2021 Personnel costs	\$ 168,280	\$ -		\$ -
2021 Grand Foundation programs funded	\$ -			
2021 Rural Health grant	\$ -			
2021 Other operating costs	\$ 13,531	\$ 344		\$ 344
Total 2021 costs	\$ 181,811	\$ 344	\$ -	\$ 344
Net 2021 (costs) after reimbursements	(\$ 181,811)	(\$ 344)	\$ -	(\$ 344)
Total Costs after reimbursements	(\$ 216,914)	(\$ 371,946)	(\$ 163,155)	(\$ 535,101)

Secure Rural Schools / National Forest Reserve

Commissioner Cimino moved to approve Resolution No. 2021-5-2, “A RESOLUTION PROVIDING FOR THE DISTRIBUTION OF THE NATIONAL FOREST RESERVE APPORTIONMENT” in the amount of \$1,365,958.24 with distribution as follows: West Grand School District \$326,327.42 and East Grand School District \$1,039,630.82.

The motion passed unanimously.

Departmental Contracts, Comments, Issue

Commissioner Manguso moved to approve and authorize the Chair to sign the Amendment to Kremmling Airport Hangar Ground Lease for Hangar C through December 31, 2021 between Grand County, Town of Kremmling, and William Elliott.

The motion passed unanimously.

Commissioner Manguso moved to approve the Services Contract between Turn Corps Political and Communication Strategies LLC and Grand County Board of Commissioners to engage constituents regarding an anticipated ballot initiative in November 2021 in an amount not to exceed \$25,000.

The motion passed unanimously.

Grand County Board of Health

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

Public Health Director Abbie Baker presented.

Colorado has an extended the mask order throughout the State until June 1. Masks are required in schools, public areas of state government facilities, congregate care facilities, emergency medical and health care settings, jails, and in-person services. The caveat is that if 80 percent of individuals in a public indoor space have shown proof of a vaccination, people can remove masks.

If a community has an incidence rate of more 35 per 100,000, masks are still required in indoor public spaces. Grand County is currently at 146.33 per 100,000. Grand County does not qualify for the removal of the mask requirement indoors.

Grand County is following state public health orders.

Grand County will be approving events but any event over 30,000 square feet of seating area in an outdoor venue will need to be approved by Grand County Public Health and Colorado Department of Public Health and Environment.

The current hospitalization rate for Grand County residence who have tested positive for COVID-19, is at 1.89.

Immunity rate in Grand County 56.5 percent vaccinated with adding natural immunity, the Grand County rate is 59.2 percent.

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

Manager & Attorney Items

Commissioner Manguso moved to approve the letter to Greg Winkler of the Division of Local Government requesting the extension of the 2020 loan grant to June 30, 2022.

The motion passed unanimously.

Commissioner Manguso moved to approve the 2021 Memorandum of Understanding between County of Grand, State of Colorado, by and through its Board of County Commissioners and Headwaters Trail Alliance for Wolford Area Trail Maintenance in the amount of \$5,500 and authorize the Chair to sign.

The motion passed unanimously.

Commissioner Manguso moved to approve the 2021 Memorandum of Understanding between County of Grand, State of Colorado, by and through its Board of County Commissioners and Headwaters Trail Alliance for winter trail grooming 2021 – beyond in the amount of \$15,000 and authorize the Chair to sign.

The motion passed unanimously.

Commissioner Manguso moved to approve the 2021 Memorandum of Understanding between County of Grand, State of Colorado, by and through its Board of County Commissioners and Headwaters Trail Alliance for Pinball Ridge Trail Maintenance in the amount of \$19,840 and authorize the Chair to sign.

The motion passed unanimously.

Commissioner Manguso moved to approve the 2021 Memorandum of Understanding between County of Grand, State of Colorado, by and through its Board of County Commissioners and Headwaters Trail Alliance for National Public Lands Day 2021 in the amount of \$7,500 and authorize the Chair to sign.

The motion passed unanimously.

Commissioner Manguso moved to approve the 2021 Memorandum of Understanding between County of Grand, State of Colorado, by and through its Board of County Commissioners and Headwaters Trail Alliance for National Public Lands Day 2021 in the amount of \$7,500 and authorize the Chair to sign.

The motion passed unanimously.

Commissioner Manguso moved to approve the 2021 Memorandum of Understanding between County of Grand, State of Colorado, by and through its Board of County Commissioners and Headwaters Trail Alliance for Jim Creek Trail Recovery in the amount of \$12,250 and authorize the Chair to sign.

The motion passed unanimously.

Mr. Moyer provided the Board with op ed on the Windy Gap Firing Project settlement. Mr. Moyer asked that the Commissioner Chair add his name to the op ed. The Board gave direction to add the Chair to the op ed.

Consent Agenda

Resolution No. 2021-4-25, “APPROVING A TEMPORARY ACCESS AGREEMENT BETWEEN RANCHER, LLC AND GRAND COUNTY FOR TEMPORARY ACCESS TO COUNTY ROADS 48 AND 49”

Resolution No. 2021-4-26, “APPROVING A FIXED BASED OPERATIONS AGREEMENT BETWEEN THE BOARD OF TRUSTEES OF THE TOWN OF KREMMLING, GRAND RIVER AVIATION AND GRAND COUNTY CONCERNING OPERATION SERVICES AT THE KREMMLING-MCELROY AIRFIELD”

Resolution No. 2021-4-27, “APPROVING A LEASE AMENDMENT WITH ARINC INCORPORATED”

Resolution No. 2021-4-28, “APPROVING A MCELROY FIELD HANGAR SPACE UNIT 18 LEASE AGREEMENT BETWEEN TIM CRANE AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO”

Resolution No. 2021-4-29, “APPROVING THE ADDENDUM/AMENDMENT AND RELATED DOCUMENTS TO MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT FROM U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC. AND THE BOARD OF COUNTY COMMISSIONERS FOR FINANCING ONE MOTOR GRADER”

Resolution No. 2021-4-30, “APPROVING THE CONTRACT AMENDMENT #1 BY AND BETWEEN THE STATE OF COLORADO, DEPARTMENT OF HUMAN SERVICES AND GRAND COUNTY TO PROVIDE SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT IN THE GRAND COUNTY JAIL”

Resolution No. 2021-4-31, “APPROVING THE APPOINTMENT OF SHEENA DARLAND AS A REPRESENTATIVE TO THE MIDDLE PARK FAIR AND RODEO BOARD”

Resolution No. 2021-4-32, “APPROVING AND AUTHORIZING THE CHAIR TO EXECUTE A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE PROGRAM) – 49 CRF PART 26 POLICY STATEMENT RELATING TO THE GRANBY-GRAND COUNTY AIRPORT AND THE KREMMLING-MCELROY AIRFIELD”

Resolution No. 2021-4-33, “APPROVING THE EMPLOYEE BENEFIT MANAGEMENT SERVICES ADMINISTRATIVE SERVICES AGREEMENT”

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

Board Business / Correspondence / Calendar

The Board expressed interest in putting ballot questions on the ballot to put term limits back on the County elected officials.

The Board directed staff to draft a resolution and letter stating that the Board strongly opposes Colorado Ballot Initiative No. 16, Laws Concerning Cruelty to Animals.

Fire Recovery Update

Emergency Manager Joel Cochran presented.

Emergency Management Annex Discussion / Approval and Adoption

BACKGROUND

On April 20, 2021 the Board of Commissioners provided Emergency Management (EM) direction to have additional supporting annex documents to the Grand County Emergency Operations Plan (EOP) – Base Plan approved and adopted by Board action.

Reference: FEMA Comprehensive Planning 101 version 2, November 2010 (CPG101 v2)
https://www.fema.gov/sites/default/files/2020-05/CPG_101_V2_30NOV2010_FINAL_508.pdf

CURRENT SITUATION

EM has two documents for the BOCC to consider for approval and adoption.

The NRCS as a condition of funding emergency warning devices in the East Troublesome Fire (ETF) Burn Scar has requested the development of two emergency plans:

- 1) Warning Plan – titled: Functional Annex – Public Alert and Warning
- 2) Evacuation Plan – titled: Hazard Annex – Burn Scar Hazard

The purpose of the Alert and Warning Annex: The Emergency Public Warning Annex, herein referred to as the Annex, is intended to facilitate the coordination of timely emergency information to the public. It describes the events that activate notification and the methods by which emergency alerts and warnings are communicated to the public, concepts and organization. The Annex describes the continuum and integration of emergency public warning and transition to public information.

The purpose of the Burn Scar Hazard Annex: This Burn Scar Hazard Annex outlines the concepts of operations for Grand County to monitor and respond upon notification of developing weather events threatening the area of the East Troublesome Fire (ETF) and Williams Fork Fire (WFF) Burn Scar. The plan will strive to identify management action points and incident objectives to warn, alert the public and issue evacuation information and direction to local or area wide residential and guest populations.

EM has developed these documents with stakeholder input and engagement. EM has framed the documents based upon FEMA guidance from CPG101 v2. The aspirational intent of the documents is to meet or exceed the requested purpose for these documents.

On April 7, 2021 EM conducted a 2-hour workshop on the topics of flood after fire with stakeholders and reviewed both documents. Feedback and comments were incorporated into the documents.

EM plans address concepts of operation, special concerns, and can assign roles and responsibilities to name some topics contained within.

EM plans are rarely operational in terms of directing action of the public in emergency situations. Instead these incident action plans are the responsibility of agencies having jurisdiction (AHJ) as they are directly involved in the real-time information and can best direction actions through their incident commander.

A Resolution 2021-5-1, has been prepared in furtherance of approving and adopting both documents.

STAFF REQUEST

Respectfully, I am requesting the BOCC and Chairman to approve and adopt the Resolution concerning these Annex documents to the Grand County Emergency Operations Plan (EOP) – Base Plan.

Commissioner Cimino moved to approve Resolution No. 2021-5-1, “APPROVING AND ADOPTING EMERGENCY OPERATIONS PLAN ANNEX DOCUMENT(S)”

The motion passed unanimously.

Deputy Director of Emergency Management Alexis Kimbrough presented informational flyers and packets that she has put together to make available to the public.

The Board encouraged OEM to move forward with the informational pieces.

Mr. Cochran stated that he was provided \$8,700 for public education print materials and weather radios. Mr. Cochran has found that more people need weather radios than originally thought. Mr. Cochran stated that he will stay in the budget but would like to purchase more radios than originally requested.

The Board agreed that the additional radios are appropriate.

Mr. Cochran requested the Board authorize Emergency Management draft a letter of support for mobile radar. It is being supported by the CWCB. The radar is funded from a science grant that is a nationally competitive process and part of the Department of Energy. These have been placed in other burn scars around the state of Colorado. They are typically done through the grant process. It is a good public program. Mr. Cochran will work on getting funding. The Board supports Emergency Management in this request.

Assistant County Manager Micah Bensen presented.

There is a CWCB grant for water shed restoration programs for planning, engineering, construction services for watershed restoration and protection program projects.

Part of what is going in the CWCB grant is the full sponsor match for the EWP funding that the County is receiving from NRCS. CWCB has a 50 percent match requirement but the County can use the NRCS funding as the County’s cash contribution towards the 50 percent match in the CWCB grant.

NRCS is a reimbursing program. The County is paying the expenses up front and the County will receive 75 percent of the costs in reimbursement. The cash contribution through CWCB is any invoices or cash that the County pays directly from the funds to the vendors.

A temporary position would be created to handle the EWP program for NRCS. The person would also handle watershed programs on the Williams Fork. Northern Water is writing the grant.

Commissioner Cimino moved to authorize staff to apply in coordination with Northern Water the EWP funding assistance grant from the Colorado Water Conservation Board.

The motion passed unanimously.

Commissioner Manguso moved to authorize the Chair to sign the USDA Notice of Grant and Agreement Award and NRCS as presented.

The motion passed unanimously.

Human Resources – Personnel Manual Proposed Amendment

Human Resource Director Colleen Reynolds presented.

The post-retirement health plan was initially adopted in 1993 and has been amended several times since then (history attached). With this plan, a qualified employee can select from two options (\$500 per month payment or continuance on County’s insurance plan at half the COBRA rate). There are currently ten individuals enrolled in the plan (eight receive the \$500 per month payment and two are enrolled in the insurance plan (one single, one family).

The references to “full time” within the current policy seem to generate many questions and confusion. Staff is proposing a rewrite of the language in an attempt to make the policy easier to understand overall, and to provide definition to the terms of the program more clearly. Also suggested is a change to the section title, as this offer is commonly referred to as the “Retiree Insurance Plan.”

Commissioner Manguso moved to approve the rewrite to Grand County Personnel Manual 8.08, Group Health and Dental Insurance Upon Separation as presented.
The motion passed unanimously.

The Compensation In Lieu of Benefits program has been in place and offered to employees since 2017. This is a voluntary medical insurance opt-out, compensation in lieu of benefits program. If an employee waives participation in the County’s medical insurance and provides proof of other coverage they may be eligible for the compensation in lieu of benefits payments. As of April, 2021 there were 19 participants enrolled in this program (8 single and 11 family). The plan currently pays in the amounts of \$125 per month for single and \$250 per month for family.

The Compensation In Lieu of Benefits parameters have never been incorporated into the Personnel Manual. The language regarding this program is being proposed for inclusion with Section 10.03, Group Health Insurance.

The County Attorney and County Manager have reviewed the proposed changes.

Commissioner Manguso moved to approve the rewrite to Grand County Personnel Manual 10.03, Group Health Insurance addition of compensation in lieu of program language as presented.
The motion passed unanimously.

Hickam Subdivision Exemption – Final Plat

PROJECT NAME: Hickam Subdivision Exemption- Final Plat
APPLICANT: David M. and Sara K. Hickam
LOCATION: Northwest ¼ of the Northeast ¼ of the Northeast ¼ , part of Section 27, Township 1 South, Range 75 West of the 6th P.M. Grand County, Colorado totaling 10acres 204 GCR 448.

APPLICABLE REGULATIONS: Zoning Regulations, Subdivision Exemption Regulations, Master Plan
ZONING: R– Residential District

ATTACHMENTS:
a) Application and Narrative Letter
b) Sketch Plan (Plat)
c) Title Commitment
d) State well Permits 48312-A and 89486

STAFF PLANNER: Alexander Taft, LEED Green Associate
REQUEST: The Applicant is proposing a Subdivision Exemption to subdivide a 10.425-acre parcel into 2 parcels.

I. BACKGROUND
a. PROPOSAL

David and Sara Hickam, the Applicant, are proposing a subdivision of an approximately 10 acre Metes and Bounds parcel by process of Subdivision Exemption to create two (2) separate lots. The two-lot proposal would consist of Lot 1 being 7.812 acres and Lot 2, with the existing house, being 2.613 acres. The subject parcel is located inside Urban Growth Area No. 2 as defined by the Grand County Master Plan. Proposed water will be well and sanitation from Three Lakes Water and Sanitation.

The Grand County Subdivision Exemption Regulations outline the process of how to divide land on a small scale under circumstances in which the need to comply with Grand County Subdivision Regulations would cause undue hardships and the impact of the proposed division would not require it for the Subdivision Regulations. Subdivision exemptions apply to the division of land into a maximum of three (3) single family residence lots with one (1) single-family residential unit per lot. This has historically been interpreted to also restrict uses to single family residential.

b. HISTORY

This approximately ten-acre parcel is a remnant parcel divided from one of several federally granted homesteads which are throughout the region.

The Applicant approached Staff in October 2019 about the possibility of subdividing the property. Following this discussion, staff reached out to the State of Colorado Division of Water Resources (DWR). After a pre-application meeting, Staff sent a referral to DWR which was returned to our office at the end of October 2019. The response suggested there were two available wells on the existing parcel and if the County approved a Subdivision Exemption, well permits would be granted or clarified on each parcel.

II. STAFF ANALYSIS

a. FINAL PLAT DISCUSSION:

The final plat was submitted to Staff in April 2021 for review (see Final Plat on page 3). The applicant is still finalizing an access easement with the neighboring property for the proposed Lot 2 which has used access through the adjacent property for decades. Access for Lot 1 will be provided through an easement recorded with the Dethmers Subdivision Exemption to the north to County Road 4.

Lot 2 has water, sewer and electrical service to serve the existing dwelling. The Applicant intends to construct a new home on Lot 1 and sell their existing home. There will be no new roads constructed to serve Lot 1 and so it is Staff's recommendation that a Subdivision Improvement Agreement restrict sale of both lots until utilities are brought on to Lot 1.

b. SKETCH PLAN DISCUSSION:

Staff in their review of this application determined that the Subdivision Exemption Regulations provide the process and requirements which has the goal of "promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Grand County, Colorado." (§1.3"Purpose" Subdivision Exemption Regulations). The purpose of the Outright Exemption regulations is to regulate the division of a parcel with NO or MINIMAL land impacts. It is Staff's opinion that purpose as written in the Outright Exemption Regulations would exclude the development of additional parcels of land for residential development from using that body unless the subject parcel or parcels are already developed.

The second deciding factor in following the process of Subdivision Exemption Regulations is that they have sections which make reference to "improvements required." In this proposal there are minimal additional improvements such as extension of power and sewer, but this section gives Grand County the protection and authority to ensure those improvements are installed in an adequate fashion. It is Staff's interpretation that the Subdivision Exemption regulations are typically used for Metes and Bounds Parcels, such as the one subject to this proposal, while "infill" parcels in an existing subdivision have to be divided through the process as identified in the Subdivision Regulations.

This proposed division of land, as provided for under the Subdivision Exemption Regulations, meets the requirements of controlling density as outlined in the Grand County Master Plan. The subject parcel is located in Urban Growth Area #2 (Grand Lake). The neighboring parcels are primarily residential uses of varying densities. The parcels to the north, south, and east are larger residential uses buffering from the Soda Springs Condominiums to the east. West of the property is Lakeridge Mountain Valley Subdivision, which is approximately 25 half acre lots.

This Subdivision Exemption request is intended to maintain the current character of the area. It uses the 10-acre parcel to the highest possible density and benefit. The parcel is surrounded on three sides by similar parcels some of which have also been approved for division under the Subdivision Exemption Regulations.

There is currently a constructed well through State Well Permit Number 48312-A for the existing residence. The permit states that it is "domestic" but for the use of a single-family residence, with additional outdoor watering. There is a second well permit through State Well Permit Number 89486 which states a well which is available for a single household only use is also attached to this lot. Proof of these well permits are the most significant factor in being able to complete the proposed Subdivision Exemption since the "Domestic" under Permit Number 48312-A could not be converted to additional.

Staff presented the application to Planning Commission for review during the Special Meeting on September 23, 2020.

The Planning Commissioners brought up concerns about water and the availability of wells. The Planning Commissioners communicated it was unclear in the Staff recommendation how water would be obtained for both lots. Staff clarified that the property would be served by wells and public sewer. Staff also made clear that there are two well permits available on this lot currently. The Planning Commissioners asked which well would go to each lot, the Applicant responded that they had worked with the State to designate the “domestic” well with its outdoor uses to the larger new 7.8-acre lot.

The Commissioners asked about how access would be obtained for both lots. The Applicant confirmed they had easements which date back to the 1960’s for the driveway which is used for the existing residence. Access to Lot 1 to the north and west is through a recent easement granted in conjunction with the Dethmers Subdivision Exemption, which is the northern neighbor of this property.

III. STAFF RECOMMENDATION

Staff recommends the approval of the Hickam Subdivision Exemption Final Plat with the following conditions to be met prior to submitting the Final Plat for recording:

1. An easement has been drafted and shall be recorded prior to the plat to add the reception number to the Mylar [§2.2 (2) & 3.2 (2) (f)].
2. A public utility easement shall be dedicated per this plat in the Southwest Corner of the property for the existing Xcel Energy infrastructure [§2.2 (2) & 3.2 (2) (f)].
3. A plat note shall be added on the Final Plat that the “front lot line” shall be that side adjacent to driveway or road access [2.3 (2)].
4. A plat note shall be added to ensure areas around homes are protected from fire by creating a defensible space.
5. Electric utilities shall be placed under ground typical of all new subdivisions created in Grand County. A plat note shall be added to the Final Plat to this effect [2.7(3)].
6. An access easements of 20’ in width shall be recorded with the Final Plat to grant access to lot 1 [2.7 (2)].
7. East Grand School District impact for lands or fees in lieu shall be remitted prior to Board of County Commissioners signing the Final Plat Mylar [2.3 (2)].
8. Post construction shall consist of the submission of verification from the utility providers in writing that electrical and sanitary sewer have been inspected by the respective provider and that they have accepted that infrastructure [2.14 (1-9)].
9. In a Subdivision Improvements Agreement (SIA), Preliminary and Final Acceptance shall be granted simultaneously with the completion of utility service extensions as there are no new roads being constructed to serve this proposed development [2.14 (1-9)].
10. The Applicant shall enter into a Subdivision Improvements Agreement (SIA) with Grand County to restrict sale until such time that utilities are provided to Lot 1 [2.14 (1-9)].
11. The Applicant shall enter into a Water Quality Agreement with the County with fees of \$1,000 to be paid prior to recording the Final Plat [3.3 (3) (g)].
12. The Final Plat shall also include, land surveyor, engineer, and/or designer of the proposed division, if any (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land surveyors) [§3.2 (2) (c)].
13. The Commissioner’s Certificate shall be shown in the form within this recommendation [3.3 (3) (l)].
14. The plat shall include a plat note stating about the use for single-family residences only consistent with Section 1.4 of the Subdivision Exemption Regulations.
15. The Applicant shall remit the fee to Grand Fire Protection District No. 1 and provide a receipt to Staff prior to recording the Final Plat [3.3 (3) (f)].

All legal documents required in conjunction with the final approval of this request are subject to the review and acceptance of the County Attorney.

Commissioner Manguso moved to approve the Hickam Subdivision Exemption- Final Plat as presented. The motion passed unanimously.

Amended Final Plat – Lots 10A, 11A & 13A, Cooper Creek Ranch Estates

PROJECT NAME: Amended Final Plat, Lots 10, 11, and 13, Copper Creek Ranch Estates.
APPLICANT: Brian V. Munro
LOCATION: Lots 10, 11, and 13, Copper Creek Ranch Estates, 471 & 1175 GCR 373
ZONING: Forestry and Open District- F
REGULATIONS: Grand County Zoning Regulations, Grand County Master Plan, Subdivision Regulations
ATTACHMENTS:

A. Vicinity Map

B. Letter of Application and Narrative

C. Proposed Plat

D. Title Commitment

E. Copper Creek Ranch Estates Plat recorded at Reception No. 128274

STAFF PLANNER: Alexander Taft, LEED Green Associate

REQUEST: The Applicant is proposing an Amended Final Plat to adjust property boundaries on larger 35-acre parcel which were platted under Grand County Subdivision Regulations in 1972.

I. BACKGROUND

a. PROPOSAL

The Applicant is requesting an Amended Final Plat to adjust boundaries and establish building envelopes. The site is located between Grand County Road 37 to the north and Grand County Road 373 which traverses the site from the east through Lot 11 to the south. The building envelopes were discussed and altered at the suggestion of the Grand County Planning Commission.

The Applicant, Brian V. Munro, recently purchased four parcels totaling 162.5 acres with the intention of adjusting the boundaries between Lots 13 and 11 and leaving all parcels over thirty-five (35) acres (see proposed plat below on page 3). The Amended Final Plat will result in proposed Lot 13A having greater area and Proposed Lots 10A and 11A having no build zones. The Applicant will continue to occupy the existing residence on which currently is located on Lot 11, and the boundary will be adjusted to place it on the proposed Amended Lot 13A. When this Amended Plat is final and recorded the Applicant will sell the adjacent parcels.

b. HISTORY

Originally part of Federal Land Patents, then purchased by Nina E. Guthrie and finally by John F. and Alta R. Orr, "Orr Cattle Co." Copper Creek Ranch Estates was platted by Jack Orr. The Copper Creek Ranch Estates Plat was contemplated to have tracts nothing less than 40 acres consistent with State well permitting procedures allowing no greater than three homes per parcel. The larger tracts of land would have private easements and roads being built to county road specifications but no maintenance in the winter. Throughout history various owners of tracts within the subdivision have attempted to improve the roads for County maintenance but no acceptance has occurred.

II. STAFF COMMENTS AND ANALYSIS

These tracts have historically been able to acquire a domestic well permit through the State Division of Water Resources to allow outdoor watering of livestock and agricultural uses. Should a future property owner choose not to maintain agricultural uses on the property, they have the option of doing a Subdivision Exemption such as Konrade and Watt Subdivision Exemptions.

The subject parcels contained within this proposal are all greater than 35 acres, which typically do not require review or approval by Planning Commission or the Board of County Commissioners. The plat, which was completed in 1972, prior to Grand County adopting subdivision regulations consistent with Senate Bill 35 in September 1972 was signed by Planning Commission and the Board of County Commissioners. When the subject request was proposed by the Applicant, Staff had conversations with the Applicant about the other options to resurvey the lots and have them described in a deed that could be accompanied with a land survey. The concern at that time was that parcel boundaries once described by a plat could become muddled with the original recorded Plat and cause future property disputes. By following the Amended Final Plat process and having the Planning Commission and the Board of County Commissioner review and sign is in the best interest of current and future property owners.

Through the 1972 Grand County approvals, parcels within Cooper Creek Ranch Estates also have privately dedicated roads and utility easements. Those easements will remain in place consistent with the original Plat of Copper Creek Ranch Estates

A. PLANNING COMMISSION RECOMMENDATION

Planning Commission reviewed this proposal at a hearing is scheduled on September 11, 2019. During this meeting, Planning Commissioners discussed the proposed building envelopes. Planning Commissioners cited future burden on the Applicant or property owners who may want to move these envelopes. The Planning Commission agreed to allow Staff and the Applicant to discuss alternatives. The alternative which was decided to be best for the Applicant was to establish no build areas which protect steep or unstable slopes and view corridors. These have been shown on the revised plat.

Planning Commission unanimously recommended the approval of the Amended Final Plat, Amended lots 10A, 11A, and 13A, Copper Creek Ranch Estates a replat of Lots 10, 11, and 13, Copper Creek Ranch Estates

according to the Plat recorded at Reception No. 128274 with the following conditions to be met prior to the recording of the Amended Final Plat.

1. Add physical addresses to the plat (4.3 (2) (w)).
2. Name of adjacent Right-of-Way, shall read as follows: County Road 37 (Valery Drive). Also note County Road 373 (Copper Road) on the plat.
3. A statement of taxes that shows all taxes have been paid shall be submitted (4.3 (2) (x)).
4. An electronic copy in AutoCAD.dwg or AutoCAD.dxf of the Final Plat shall be submitted (4.3 (2) (y)).
5. All recording fees shall be paid by the Applicant.
6. Draft Quit Claim Deeds to amend legal description of the lots shall be submitted for review by the County Attorney's Office and Recorded with the Amended Final Plat.
7. A 24"x36' a Mylar shall be submitted and all corrections shall be made prior to Recording (4.3(1) (a)) (4.3(2) (g-h)) (4.3(2) (e)).

Commissioner Manguso moved to approve Amended Final Plat, Lots 10, 11, and 13, Copper Creek Ranch Estates with conditions.

The motion passed unanimously.

Clerk and Recorder Hiring and Retention

Clerk and Recorder Sara Rosene presented her request to increase starting salaries for positions in her office as well as raising wages of current employees.

Clerk Rosene stated that funds to pay the higher wages will be from 20 percent of the hire lag from her office.

Commissioner Manguso moved to authorize the County Clerk to compensate employees with vacancy savings up to 20 percent of the hire lag.

The motion passed unanimously.

Public Hearing – Winter Park Horseman's Association, Special Events Permit for Liquor License

Clerk and Recorder Sara Rosene stated that a hearing for Winter Park Horseman's Association Special Event Permit was posted at High Country Stampede Rodeo located at 1741 County Road 73, Fraser. No remonstrance was received and Ms. Rosene requested that the hearing be cancelled.

Ms. Rosene stated that Winter Park Horseman's Association would like to sell malt, vinous and spirituous liquor from noon to 12:00 a.m. on July 3, 10, 17, 24 and 31, August 7 and 14 at 1741 County Road 73, Fraser. Ms. Rosene recommended approval of the request.

Commissioner Cimino stated that he will recuse from this vote because the food service at the event is being provided by the Winter Park / Fraser Valley Rotary Club for which he is a member.

Commissioner Manguso moved to approve the Special Event Permit Liquor License for Winter Park Horseman's Association on July 3, 10, 17, 24, 31 and August 7 and 14 as requested.

Commissioner Manguso aye

Commissioner Cimino recuse

Commissioner Linke aye

The motion passed.

Calendar

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| May 5 | Counties & Commissioners Acting Together (CCAT) Tourism Subcommittee meeting via Zoom starting at 4 pm |
| May 5 | Grand County Rural Health Network Board meeting via Zoom starting at 6:30 pm |
| May 5 | Public Safety Radio Summit Subcommittee via Zoom 8 am to 4:30 pm |
| May 6 | Colorado Counties, Inc. (CCI) Roundtable RE: Future of Colorado Agriculture via Zoom noon to 1 pm |
| May 6 | Commissioner Cimino testify on SB 21-249 Keep Colorado Wild at 1:30 pm |
| May 6 | Northwest Transportation Planning Region via Zoom starting at 10 am |
| May 6 | CCI Steering Committees via Zoom, all day - CANCELLED |
| May 7 | CCI Lunch & Learn Solar Meeting via Zoom noon to 1 pm |
| May 7 | CSU Extension Meat Quality Assurance Training at the Middle Park Fairgrounds 3 to 5 pm |
| May 7 | CCI Steering Committees via Zoom, all day CANCELLED |

- May 10 Mayors / Managers / Commissioners (Hybrid) Meeting via Zoom and at the Hot Sulphur Springs Town Hall 10 to 11:30 am
- May 10 Board of Health Workshop RE: Operations w/ Public Health Director, as needed, BOCC Meeting Room, Hot Sulphur Springs, starting at 1:30 pm
- May 10 Senate Confirmation Hearing at the Denver Capital Building 1:30 to 4:30 pm
Health Insurance Affordability Enterprise
- May 12 Bureau of Land Management Resource Advisory Council via Zoom, 10 am to 3 pm
- May 14 Club20 Executive Committee Retreat, Holiday Inn & Suites, Grand Junction 8 am to 5 pm

The Grand County Board of County Commissioners and Grand County Board of Health will meet remotely, as needed, via conference call to discuss COVID-19 starting at 2:00 pm

Mountain / Alpine Wings, LLC Hangar Settlement Agreement (Kremmling Airport)

County Attorney Chris Leahy presented.

The purpose of the Agreement you have before you is to settle a disagreement concerning ownership of certain ground lease improvements located on airport property at McElroy Field at Kremmling Airport. Specifically- ownership of a hangar building (the red one that has been used by the prior FBO under a series of ground leases over the past few decades)

I have briefed you on the legal issues previously in executive session and sought negotiating direction. I believe what we are presenting to you today achieves and protects the county's interests while also meeting the other party's, Mountain Wing's, interests and objectives as well.

As you will see, the agreement has been signed by Alpine, Mountain and Mr. Ward.

In short it:

1. Settles the dispute over ownership.
2. Reserves some other unrelated claims of the prior FBO should they desire to pursue those claims through mediation or litigation. (these include some fuel-based claims and some utility bill claims, and maybe some lease-based claims that I am not informed enough to comment on)
3. Allows the building to be purchased by a new owner with any pre-existing claims to ownership being resolved.
4. Specifically:
 - a. Building can be purchased by a third party.
 - b. Subject to taxes being paid in full, County will receive \$37,332.76 from any purchaser.
 - c. Mountain Wings will receive the balance of the purchase price less any taxes to be paid directly to the Treasurer (and, perhaps unpaid utility bills).
- d. If the building is not purchased in 6 months, then this settlement agreement expires and everyone can still make whatever claims to ownership they believe they might still have.

STAFF BELIEVES THIS IS A FAIR AND REASONABLE SETTLEMENT OF THE DISAGREEMENTS AND UNCERTAINTY OVER THESE GROUND LEASE IMPROVEMENTS NOW THAT THE MOST RECENT GROUND LEASE HAS EXPIRED, THAT THIS SATISFIES ANY DUTY AND DESIRE LEADERSHIP MAY HAVE TO PROTECT THE PUBLIC INTEREST IN COUNTY PROPERTY AND, AS WAS ALSO YOUR DIRECTION/OBJECTIVE, IS FAIR AND EQUITABLE TO MOUNTAIN WINGS OWNERSHIP.

Kremmling: Always a confusing-blurry line with leases, etc on when and if Kremmling wants or needs to be involved, but not something we should discuss or comment on publicly without Kremmling involved.

Commissioner Manguso moved to authorize the Chair to sign the Agreement between Mountain Wings LLC, Alpine Wings LLC and Jim Ward collectively, and the Grand County Board of Commissioners as presented. agreement as presented.

The motion passed unanimously.

Board Business

Commissioner Cimino reported that he would like to travel out-of-state to NACO from July 9 through July 12. The Board supports this request.

There being no further business to come before the Board, the meeting was adjourned at 12:02 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this 11th day of May 2021.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder