



BOARD OF COUNTY COMMISSIONER REGULAR MEETING

November 1, 2022

Administration Building

560 Dodge St., Delta, CO 81416

8:30 AM

PLEDGE OF ALLEGIANCE

ADDITIONS TO THE AGENDA

APPROVAL OF AGENDA

CONSTITUENT TIME: This is the time for members of the public to present issues of concern or interest to the Board. All issues requiring further research will be forwarded to the appropriate staff for response at a later time. No decisions are made by the BoCC during constituent time.

COUNTY CLERK - TERI STEPHENSON

1. Minutes for the October 13, 2022 Special BoCC Meeting

2. Minutes for the October 18, 2022 Regular BoCC Meeting

COMMISSIONER BUSINESS

1. Board's consideration and appointment of Delta County Fair Board members:

- Phillip Hulet one year term, term expires 1/31/2024 to represent vendors
- Gary Peebles one year term, term expires 1/31/2024 to represent 4-H and FFA
- Jennifer Craig two year term, term expires 1/31/2025 to represent 4-H and FFA
- Kelsi Buhr two year term, term expires 1/31/2025 to represent community

2. Emergency Management Coordinator Kris Stewart

Ground Ambulance Permit for Delta County Ambulance District

3. Emergency Management Coordinator Kris Stewart

Board's Consideration of Resolution increasing E911 Fees starting February 1, 2023

INFORMATION

1. Jail Report

2. Road & Bridge Report

10:00 AM

ADJOURN

The next Board of County Commissioner Meeting is Tuesday, November 15, 2022

CERTIFICATION OF POSTING

On Friday, October 28, 2022 at 8:30 AM, Teri Stephenson did post the above AGENDA as public notice of the 11/01/2022 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado.

**DELTA COUNTY COMMISSIONERS SPECIAL MEETING
OCTOBER 13, 2022**

Commissioners Mike Lane, Wendell Koontz and Don Suppes met in the Commissioners Room in the Administrative Building for their regular meeting. Also present were County Administrator Robbie LeValley, County Attorney John Baier, Public Information Officer Lyndsey Mitchell and Chief Deputy Clerk and Recorder Rene Loy.

Verbatim Audio is available of these proceedings at the Delta County Clerk and Recorder's Office for 6 months from the above date. All documents incorporated in these minutes by reference are also available for review at the Delta County Clerk and Recorder's Office.

Chairman Suppes convened the Meeting of the Board of Delta County Commissioners for Thursday, October 13, 2022 at 8:3 A.M. The Pledge of Allegiance was recited.

AGENDA:

Additions to the agenda:

- None

Chairman Suppes accepted the agenda as presented.

CONSTITUENT TIME:

None

COMMISSIONER'S BUSINESS:

Present 2022 Delta County Submitted Budget:

Finance Director Leone Anderson was present.

Leone explained that she has worked for Delta County for 29 years and her third full county budget and the last three years has been the highlight of her career and the reason is because of the leadership of this county and she thanked them. She said that all the mandated construction that they have had to deal with and Don Suppes doing a lot of work for the county that has saved the taxpayers a lot of money and you see that reflected in the budget every year and she thanked them for all the work that they do to help he do her job better and enjoy her job.

Robbie stated that the heavy lift for the Delta County Budget is Leone as the Finance Director. She said that all that is in front of the Board and will be posted on the website is all due to the effort of Leone. Robbie thanked all department heads and includes the Commissioners as well. She explained that this process starts in late July and they ask the Department heads to submit their budget, look at where they are from the 2022 budget, look at the economic forecast and submit their request for 2023.

Robbie said per statute they need to present the proposed budget to the Board by October 15, 2022 so that is what they have today and is literally what the departments are asking for, neither the finance department, human resource or payroll have modified any of the requests. She stated that this is historically what we do by letting the departments put forward their requests based on the side boards that we provide to them at department head meetings and at their budget meetings next week scheduled for October 19, 20 and 21, 2022 they come in and with the cooperation with the County Commissioners and administration team to the Board their specific requests.

Robbie reviewed the following statement with the Board:

[Prepared statement]

This budget was prepared by County Elected Officials and Department Heads and reviewed, revised, and assembled by the Administration Office, in conjunction with a countywide interdepartmental budget team, and under the supervision and guidance of the Board of County Commissioners. This budget reflects the projected spending plan of the County's Elected Officials, Department Heads, outside agencies, and other public entities.

The total county budget is \$54,652,073 which is a significant increase when compared to the 2022 adopted budget. The primary reason for the increase is the major construction projects scheduled for 2023, voter approved Public Safety tax, implementation of the use of American Rescue Act dollars and continual delay in capital purchases due to nationwide supply chain issues. Major changes for the proposed 2023 budget include budgeting for the renovation of the detention facility, sheriff office construction, purchase of the Brown Building, additional staffing requests, and capital items that were not successfully completed in 2022. The focus continues to be maintaining essential services and adhering to our philosophy of conservative budget practices.

The financial operations of the County Accounted for in funds in accordance with Colorado State Law and the Resolutions of the incumbent Board of County Commissioners and previous Boards. The budget is balanced, as required by Colorado Revised Statutes 29-1-1-3, in that no budget adopted shall provide for expenditures in excess of available revenues and beginning fund balances. The 2023 recommended budget is focused on managing increasing needs, preserving services for citizens, and providing a fiscally responsible County budget. Each fund is a separate and legal fiscal entity. The combination of the various funds determines the total county budget.

Government funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available as net current assets. Expenditures are recorded when the related fund liability is incurred, except for claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Acquisitions under capital leases are reported as other financing sources.

Having a solid reserve and conservative budgeting practices has allowed Delta County the opportunity to address additional capacity for courts and redesign of the access to courts in the Courthouse. Specifically, the County's fund balance has allowed investment in the remodel of the County Courthouse including new courtrooms, judge's chambers, new driver's license and veteran's services offices, and district attorney offices. Additionally, the Delta County fairgrounds received a significant upgrade in the arena facilities which has increased usage and addressed safety concerns. Delta County provided cash matches for numerous economic development grants and Great Outdoor Colorado recreation-based projects. The County has achieved these, and many other accomplishments, in spite of nearly a decade of volatile revenues. Census data indicates slight increase in population listed at 31,196 according to Census data.

MISSION STATEMENT

To provide a safe and healthy community for present and future generations by providing equitable and quality service to the public, by treating one another with respect and dignity, and by acting with fiscal responsibility.

MAJOR ACCOMPLISHMENTS FOR THE 2023 BUDGET

- Delta County is seeing increases in sales tax and an improving local economy.
- Continued funding for economic development in key areas that will result in long term benefit for Delta County. Investment in One Delta County with personnel and operating expenses will address long term continued investment in economic development. Delta county will be funding the full cost of the One Delta County Director, providing office equipment and location and administrative support.
- Due to rising inflation, all Delta County employees will receive a 4% Cost of Living Adjustment. Delta County will continue to cover the entire cost of employee insurance at the PP07 level. In addition to address employee retention Delta County will increase the employer share of employee plus spouse, children, and family match. Health insurance employee benefit is a total annual cost of \$2,314,455 to Delta County.
- Continued capital and sales tax dedication to Delta County Libraries of \$50,000 and \$87,877, respectively.
- Additions of full time FTEs are added to address specific needs for the Human Resources, Office of Emergency Management, Public Works, and Human Services.
- Funding of the One Delta County position in partnership with Delta County business community and all of the municipalities in the county.
- Public Sales Tax Initiative is a stand-alone fund to accurately account for expenditures, revenues and results.
- American Rescue Act will partially fund the renovation of the first and second floor of the detention facility.
- Capital Improvement funding of major construction projects which will include finalizing the Delta library, renovation of Delta County detention facility and Sheriff's office renovation.
- Veterans Affairs program has seen additional expansion of program.

MAJOR CHALLENGES FOR THE COUNTY

- Inflation continues to impact residents of Delta County and supply chain issues for all supplies, parts and equipment ordered by Delta County.
- The economy both locally and at the state level is starting to slow down. The 2023 budget reflects a continued conservative approach to funding all of the state mandates.
- Economic Development. There is a continuing need to diversify and strengthen our current economic base.
- Revenues. Assessed valuation decreased slightly, therefore, in 2023, the mill levy will decrease from a cap of 18.057 to 16.407.
- The rate of increase for sales tax revenue is slowing down when compared to previous years. This was anticipated as the rate of growth has been historically above average. Delta County in anticipation of the slowing economy will budget a flat sales tax revenue for 2023.
- Residential rate assessment rate is steady at 7.15%.
- Public Safety Funding. Demand for public safety in all areas (including Sheriff, District Attorney, and Criminal Justice Services) continues to increase and reflects trends noticed nationally and at the state level.

2023 REVENUES:

Property taxes:

Property Tax revenue for 2023 is projected to be \$4,660,988 for the General Fund. The 08/15/22 "Certification of Values" from the County Assessor's office shows that the net total assessed valuation of taxable property has decreased by .48% over the past year. State law says that property tax revenues can increase a maximum, of 5.5% over the previous year's limit. Taxpayer Bill of Rights (TABOR) says that the allowable increase in property taxes from year to year is equal to the percentage change in local

growth plus the change in inflation. Required practice in Colorado prescribes that the County choose the more restrictive of the 5.5% statutory limitation or the TABOR limitation. Based on Preliminary calculations, 5.5% statutory is the more restrictive limit for 2022 property tax revenues.

The projected increase in the rate of inflation (based on the Consumer Price Index) is 8.9%

Based on TABOR limitations, property tax revenues in 2022 cannot exceed \$6,218,510 therefore the 2022 budget reflects a temporary reduction of 2.779 mills in the mill levy.

Sale Tax:

In 2022 Delta County experienced sales tax revenue increase of approximately 6.97% when compared to the 5-year rolling average. Lisa Tafoya, County Treasurer projects sales tax collections for General Fund, Capital Improvement Fund, and Public Safety to be \$9,400,000. For 2023 budget purposes, the 2023 Delta County Sales Tax projections will reflect a 0% increase over 2022.

Fee Increases:

Increases for fees and charges will be an increase in the 911 monthly charges on landlines and cell phones. Delta County is currently at a \$1.00 per phone per month and the county will go through the statutory process to potentially raise the fee \$1.70 per phone per month. The increase in fees will address the mandatory console upgrades that occur every five years and the anticipated cost of each console is listed at \$600,000.

The increase for the Landfill fees is to address increasing fuel costs and future expansion costs. The only increase to fees and charges for services in this budget is in the Landfill budget in the Enterprise Fund. The justification for these increases is increasing operational costs and anticipated additional costs when the future expansion occurs. Under new regulations, the landfill is required to line each new cell with a manufactured liner. The Enterprise Fund will need to increase the reserve balance to pay for additional costs to the future cell expansion.

We continue to focus on our community and local economy by providing a strong foundation for the local economy and economic development initiatives. Through the Capital Improvement Plan, critical projects such as roads and bridges and improvements to the Courthouse campus complex will improve and maintain the infrastructure to our economy and allows Delta County to adhere to state unfunded mandates.

Additional Revenues:

PILT \$ 955,024 Payments in Lieu of Taxes (PILT) are the dollars actually received in 2022. A on-time congressional PILT payment of \$983,035 will be allocated to the renovation of Delta County Detention Facility.

HUTF \$3,002,988 which is \$139,103 increase over 2022 in Highway User's Tax Fund

Summary Revenues:

Total budgeted revenues for 2023 are \$42,924,687.

EXPENDITURES:

The recommended appropriations as detailed in the individual department and fund accounts reflect investments in Delta County. Expenditures for all funds are projected at \$54,652,073.

Expenditures exceed revenues by 11,727,386. Expenditures will be addressed with reserve balances.

Personnel:

All Delta County employees will receive a 4% Cost of Living Adjustment and the proposed budget reflects that additional increase. Delta County received a 2% increase in insurance costs and in 2023 will increase the employer match for employee plus children, employee plus spouse, and family insurance costs. Delta County Human Resources has conducted a preliminary salary survey and compared Delta County employee salaries with surrounding counties of similar size and general fund revenues. Department heads and elected officials have requested additional merit increases and this budget reflects the merit increases. Additional staff are requested in the 2023 budget including road and bridge, human resources, and office of emergency management.

Long Term Debt-Lease-Purchase Agreement (Exhibit A):

Equipment Lease – Purchase Agreements

The 2023 budget for the enterprise Fund which accounts for the operations of the County's landfill and transfer station provides for a 5-year lease purchase agreement for the purchases of a compactor and scraper for the Adobe Buttes landfill.

Conclusion

I want to acknowledge the hard work and effort of County staff, in all departments, in preparing the 2023 budget. Department heads and elected officials in Delta County are diligent in their management of existing budgets, and conservative in projected budgets. More information about what was proposed and included in Delta County's 2023 budget is available at www.deltacounty.com and is available in hardcopy at the Delta County Administration building located at 560 Dodge Street.

Exhibit A
Lease-Purchase Agreements
The following supplemental data regarding lease-purchase agreements involving real property is required under Section 29-1-103(3)(d), CRS, 1973, as amended,
Enterprise Fund Landfill for Compactor and Scraper
A. The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements involving real property \$ 0
B. The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements other than those involving real property \$ approximately \$354,980
C. The total maximum payment liability of the local government under all lease-purchase agreements other than those involving real property over the entire terms of such agreements, including all optional renewals. \$ approximately \$1,166,026
[End of prepared statement]

Chairman Suppes thanked Robbie, Leone and everyone for their efforts on this and he knows this is a big push to put all these numbers together and get it compiled for this presentation and he looks forward to the budget meetings next week where they get to do the deep dive and start looking at some numbers. He said they are fortunate to be in the spot they are in.

Commissioner Lane stated that he echoed that and added that they like people that like working with numbers and is a great asset to have and to Robbie, Leone and Lisa it is great to know that you are aware of your obligations and fulfill them and he appreciates that. Robbie added that this will be posted on the website today and available physical at the administration office and on the website which keeps Delta County in compliance with all the statutes.

Chairman Suppes said let the record show that the budget has been submitted to the Board.

ADJOURNMENT:
As there was no further business to come before the Meeting of the Board of Delta County Commissioners for Thursday, October 13, 2022 Chairman Suppes adjourned the meeting at 8:49 A.M.

Approved this 1st day of November, 2022.

Don Suppes, Chairman
Board of County Commissioners

ATTEST:

Teri A. Stephenson
Clerk to the Board

DELTA COUNTY COMMISSIONERS REGULAR MEETING OCTOBER 18, 2022

Commissioners Mike Lane, Wendell Koontz and Don Suppes met in the Commissioners Room in the Administrative Building for their regular meeting. Also present were County Administrator Robbie LeValley, County Attorney John Baier, Public Information Officer Lindsay Mitchell and Clerk and Recorder Teri A. Stephenson.

Verbatim Audio is available of these proceedings at the Delta County Clerk and Recorder's Office for 6 months from the above date. All documents incorporated in these minutes by reference are also available for review at the Delta County Clerk and Recorder's Office.

Chairman Suppes convened the Meeting of the Board of Delta County Commissioners for Tuesday, October 18, 2022 at 8:30 A.M. The Pledge of Allegiance was recited.

AGENDA:

Additions to the agenda:

- Robbie explained that they will change the Planning Agenda so that Brentlee Subdivision will be heard first.

Chairman Suppes accepted the agenda as presented.

CONSTITUENT TIME:

Judith R. Reed 37804 Back River Road, Paonia

Judith explained that she has a prepared statement.

[Prepared statement]

My name is Judith Reed and I am here today because I and my husband Bill have had misfortune of being the first upon the scene in two severe accidents in five months at the intersection of Crawford and Stewart Mesa Back River Roads outside of Paonia. Fortunately, neither of these accidents took a life. During the third week of May 2022 a huge truck tore the back wheel off of a little car.

Eleven days ago, a truck and horse trailer t-boned an SUV. I crawled inside to stabilize the injured passenger's head while he struggled for breath until the rescue team arrived. During the next hour I counted ten vehicles and the helicopter were in attendance. (I am sure everyone had something they would prefer to be doing for the afternoon).

I take this as a message from above "It is time to fix this dangerous intersection".

I recently became the new leader for Lambert Grange in Paonia. This intersection has been on our agenda since May and now is our number one communities service project.

We are here to join forces with you to truly remedy this dangerous situation.

Thus far, I have only had a week to inquire and prepare the most common comments I have heard are:

1. People go way too fast on Crawford Road and enforced slowdown is needed.
2. The tall grass causes drivers to pull 20 feet into the roadway to see if a car is coming down the hill.
3. The preferred idea and answer are a four way stop at the intersection.

I have been advised that speed bumps are not desired due to snow removal in winter. Also, the bumps could send a speeder air born and cause another type of accident.

Rumble strips are inadequate noise does not slow anybody.

Recently, many local intersections have had a shallow ditch cut across them nobody knows why. They are about a foot wide and two inches deep one is at the intersection of Back River Road and Highway 92 another is from Highway 92 into City Market in Hotchkiss. These make the vehicles slow down significantly. They would allow for snow removal and having these upon approaches to the four ways stop to make people slow down see each other and be safe.

New technology is in signage now solar powered lighted road signs! Yellow for the "Warning dangerous intersection" signs and flashing 'STOP' signs at the 4 corners.

I have been told the existing signs are not spaced properly in regards of distances outlined in the State of Colorado Regulations. Perception-Response times is needed for drivers to react to signs.

Additional input/ideas are:

- Cameras
- Stagger the cross road
- Create a rotary circle
- Working with owners of the fields to efficiently keep the grass and cattails down

1 Additionally, we will be having a discovery meeting near the corner @ 39314 Back River road, this
2 Saturday, October 22 at 2pm. We are seeking community input and want to hear the stories to collect the
3 history of experiences at this intersection for a news article.
4 We will pass all information collected on to you.

5
6 This has been a problem for over 40 years – together we can fix the problem!
7 Sincerely, Judith R. Reed, Lambert Grange Matron, Bill Lowstuter, Treasurer, and the entire Lambert
8 Grange membership.
9 [End of prepared statement]

10
11 Judith presented an exhibit of their idea regarding the four ways stop and divot placement.

12
13 Chairman Suppes thanked Judith especially for being there and giving first aid and this is an agenda topic
14 they had today so they appreciate her information and will be discussing this. He said she could stay to
15 hear that discussion because there are some processes that they need to follow to make sure it is being
16 done properly and the proper engagement and make a good decision on this. Commissioner Koontz
17 addressed the divots that Judith spoke about explaining that they are along Highway 92 which is from the
18 overlay that Colorado Department of Transportation (CDOT) is doing which are key ways they put asphalt
19 in. Judith said that whatever they are they are slowing people down. Commissioner Koontz said they will
20 be filled in but thanked her.

21
22 **COUNTY CLERK AND RECORDER TERI STEPHENSON:**
23 **Minutes for the October 4, 2022 BoCC Regular Meeting were approved as presented.**

24
25 **COMMISSIONER'S BUSINESS:**
26 **District Manager Suzie Bilberry and President of the Delta Conservation District Paul Kehmeier –**
27 **Delta Conservation District request for funding for the District Conservation Technician Program:**
28 [Prepared letter]

29 The Delta Conservation District (DCD) Board of Supervisors would like to thank the County
30 Commissioners for their generous funding of our District Conservation Technician (DCT) positions. Your
31 \$10,000.00 investment in 2022 allowed the DCD to apply for the receive matching grant funds to pay the
32 salary for these positions.

33
34 Delta Conservation District continues to play a vital role supporting the agricultural and economic well-
35 being of Delta County. With your generous support, District employees have played a significant role in
36 completing irrigation projects. For FY22, the Delta NRCS Field Office administered 21 contracts
37 comprising 1,973 acres, obligating a total of \$3,984,912. The total workload for the office to date is 95
38 active contracts, comprising 8,548 acres and an obligation total of \$12,166,312. The DCT positions
39 assume anywhere from 40 to 60% of the workload in the office in developing designs for contracts and
40 providing technical assistance to those producers that do not have contracts. These DCT positions are
41 essential as engineering services prove to be a bottleneck in serving agricultural producers in a timely
42 manner.

43
44 The Delta NRCS office currently has 55 outstanding requests from agricultural producers, which includes
45 those wanting to apply for programs and those wanting technical advice for better management of their
46 properties and ag operations. Our DCT's have much work in front of them.

47
48 Historically, Delta County has supported the work o the Conservation District with a significant annual
49 contribution. We are currently in need of \$18,500 to meet the required match in grant funds of \$92,546
50 for our District Conservation Technician positions. We are formally requesting \$15,000 from the Delta
51 County Commissioner to help DCD meet this requirement. The loss of these positions would result in a
52 smaller dollar amount of projects that ultimately inject funds and jobs into our community. The DCD
53 engineering technicians provide essential technical support to the NRCS staff and local producers,
54 working to get local irrigation projects designed, inspected, approved, and funded.

55
56 We hope that the County Commissioner will once again support the work of the Conservation District to
57 keep our agricultural community and local economy prosperous.
58 [End of prepared letter]

59
60 Paul said that they were here today to ask the Commissioners to continue to support the Delta
61 Conservation District financially in their endeavors to help with irrigation management in the county. He
62 said that the Delta Conservation District employs two employees that are titled as District Conservation
63 Technicians and are technical staff that helps design irrigation systems. Paul stated that they work close
64 with Natural Resource Conservation Service (NRCS) and are housed in the NRCS building. He
65 explained that the technicians make a significant impact on the amount of irrigation projects that can be
66 installed. Paul added that the NRCS has typically has sufficient funds to do work in the county and
67 applicants come in and ask to improve their irrigation systems but NRCS seems to be chronically short on
68 staff in the designing. He said the Conservation District for a number of years has taken to hire staff and
69 are a shoe-string outfit and he often says they are one bake sale away from being able to meet payroll
70 and they hope they don't have to go down that route.

71
72 Paul stated that they appreciate the county's support over the years for this ongoing program and they
73 have the opportunity to receive \$74,000.00 in grants this year to help make payroll and their obligation is
74 approximately \$18,000.00 and they are requesting to the county is for \$15,000.00 to meet the \$18,000.00
75 obligation. He said the money coming into the county from the federal government through NRCS is

significant and is in the millions of dollars that are awarded to the producers here in the county through the NRCS program and the technicians are integral in helping making those dollars awarded here in the county.

Commissioner Koontz stated that Paul had said that there are two technician positions and are they full right now or are you still looking. Paul explained that they are full and they have been with them for a number of years. He said one has been with them for seven years and the other for two and a half years. Paul explained that they seem content and the NRCS employees come and go but their technicians are both graduates of the Technical College of the Rockies (TCR) and are real steady employees.

Suzie added that one of the technicians is considered the best in Area 1 in AutoCAD and Civil 3D and trained the new engineers as they come on. Paul explained that Area 1 is the area that we are in and is a rather geographical boundary and the two programs Suzie spoke about are engineering programs so the technician is training NCRS employees now.

Chairman Suppes thanked them for their presentation and explained that budget work sessions begin tomorrow and this will be one thing that they discuss because they are always happy to support them given the state of water in this county and the future, we are facing we need all the help we can get. He thanked them for their efforts and will take this up during the budget process.

Discussion of the signage improvements and possible upgrades for Crawford Road and Stewart Mesa Road intersection:

Commissioner Koontz said the Mrs. Reed brought this forward quite well this morning. He stated that they do have some issues there and the county has done a lot of work there in the past but he believes it is time that they do a couple of things. Commissioner Koontz said that there needs to be a traffic study and then looking at reducing speed limits especially on Crawford Road and they need to engage the Sheriff's Department and Engineering.

Chairman Suppes said that he disagrees with Judith a little bit because we have found that rumble strips do work and do slow people down. He stated that they have had success with it at the end of Trap Club Road which goes into a "T" intersection and it has reduced the accidents out there so it is something they need to look at out there also. Chairman Suppes added that through the Sheriff's Office they should be able to pull up an accident report and do a traffic study with speeds rather easily and go through the proper public process to make sure that we get this done.

Commissioner Koontz explained that in March of 2020 there was a safety audit on that intersection and it is time to pick that up again and see what else we can pick up out of that audit to apply to this.

Chairman Suppes said they would contact the Sheriff today and Engineering to set up a work session next week to discuss this. Commissioner Koontz added that there is a Road and Bridge work session today. Commissioner Lane said it sounded like good ideas. Commissioner Koontz stated that besides the G50 Road this is probably the highest incident intersection in the county and we need to slow people down. Chairman Suppes added that it is becoming the major thorough fair between Crawford and Paonia for a lot of people. Commissioner Lane stated that law enforcement cannot make camp there they have other calls to deal with. Judith said that when speaking to the people at the corner in the school house home she is aware to bring this to a four-way stop will probably increase the noise but she is willing to deal with that to not have 80 miles per hour going down that intersection and this incident that happened last week was a distance speed and the person crossing could not determine how fast the truck was going. She added that the stories she is hearing as they are going out and meeting with people on that corner. Judith thought this was a quiet neighborhood but there is outrageous stuff that is happening out there. Chairman Suppes said that anyone that lives on that corner or near by will be contacted as a matter of record to let them know what we are doing.

Board's Consideration of Resolution declining participation in the FMLI Program and Providing for notification to the State of Colorado of such declination of participation:

Robbie said Michelle will come forward with additional details regarding the program that was passed through the legislative body last year and each county needs to make a decision regarding this program. She said that John, Michelle and Adrianna have worked on the resolution that is before the Board. Robbie stated that this is the program that she visited with each of the Board regarding the ballot language that was approved.

Michelle explained that the FMLI which is the Family and Medical Leave Insurance Act was approved by the State of Colorado in November of 2020 which allows for employees that meet certain requirements to have up to 16 weeks of paid leave off. She said it is not a direct ratio of their pay but a portion of it and it is function as an insurance. Michelle explained that as local government we have the opportunity to opt in or opt out of the program. She stated that they met as a group that included administration, the county attorney's office, payroll and herself and they are recommending that the Board opt out of the FMLI program which does not have a negative impact on the employees it will allow the employees to opt in to the program with no additional cost to them and it gives them a choice to choose whether they want to participate and have their deduction go towards that or they can choose not to.

Michelle said that we have a legal requirement to communicate the Board's decision to the employees and have made the decision that if an employee would like to opt in, they will administer the deduction and send it directly to the State for them so it is the best for all worlds for the employees.

Robbie added that if they had decided to not opt out then it would put it on every employee without it being their decision. She said that the majority of the counties they surveyed are opting out for that particular reason.

Commissioner Koontz stated that this would be taxing our employees without any acceptance on their part. Commissioner Lane clarified that if the Board did not opt out. Robbie said that if they opt in the county will facilitate that as their employer and payroll will provide that withholding. Chairman Suppes asked what the withholding would be. Michelle said it would be .45% of their income.

Commissioner Lane made a motion that the Board approve Resolution No. 2022-R-028 a Resolution declining participation in the FAMLI Program and providing notification to the State of Colorado of such declination of Participation. Commissioner Koontz seconded the motion.

Motion carried by a vote of 3 to 0.

Review BoCC Schedule – Lindsay Mitchell

PLANNING:

PLN22-048 Mazuries LLC (Brentlee Subdivision)

Consider a Preliminary Plat to subdivide a 26.60-acre parcel into four (4) lots in the A-5 zoning district; Lot 1 (6.23 acres), Lot 2 (5.76 acres), Lot 3 (7.66 acres), Lot 4 (6.72 acres). The subject property is located on the west side of 1900 Road, south of E Road (Parcel: 345533101001), Delta: Ken Schaaf, Representative for the Mazuries was present.

[Prepared report]

PROJECT INFORMATION:

Property Owner: Mazuries LLC (Vic Mazuries)

Applicant: Ken Schaaf (Representative)

Site Address(s): TBD 1900 Road

Parcel ID/Acct: 345533101001/R025489

Zoning: A-5

Report Prepared by: Angie Kemp, Planner I

RECOMMENDATIONS:

The Planning Commission (PC) recommends that the Board of County Commissioners (BoCC) adopt a Resolution:

- a) FINDING that PLN22-048 Mazuries LLC (Brentlee Subdivision) is consistent with applicable policies of the 2018 Master Plan and complies with requirements of the 2021 Land Use Code (LUC) for a Preliminary Plat, including Chapters 3,4,5 & 6; and
- b) APPROVING PLN22-048 Mazuries LLC (Brentlee Subdivision), presented as a Preliminary Plat to subdivide 26.60 acres creating four (4) Lots in the A-5 zoning designation located on the west side of 1900 Road, Delta, subject to conditions.

A draft resolution is attached for the BoCC consideration.

SUMMARY:

On March 21, 2022, staff received a Development Application along with a site plan from Mr. Ken Schaaf (applicant and representative). A Preliminary Plat for a 4-lot subdivision was submitted on April 8, 2022.

This project would further subdivide a 26.60-acre lot (Lot 1 of the Tunget Subdivision, (SUB20-018). The property is zoned A5 and each of the four (4) proposed lots exceeds the 5-acre minimum.

On June 8, 2022, the Planning Commission held a public hearing. Issues raised and addressed through the hearing included; the existing southern access (limited ditch access), proposed northern access (design, safety), shared road maintenance agreement, irrigation plan/operation details, deed restrictions for no further subdivision, building envelopes, and fire hydrants.

The Planning Commission voted to conditionally approve the application subject to staff conditions along with the following additional conditions:

1. Require a road/utility maintenance agreement;
2. Require a plat not that there be no further subdivision; and
3. Request that the County Engineer perform a site visit and work with the Applicant's representative, Ken Schaaf, to identify an appropriate location for the access.
4. No development can occur more than 150 feet from the utility meters along the northern property line, in order to retain irrigated fields south of this line.

The motion carried 8-0-1 with PC member abstaining from the vote (Recommended conditions are listed in the Discussion below).

Access has been designed with a shared access from 1900 Road (Public Road, County maintained), located in a different place than what was approved with the Tunget Subdivision. Based on issues raised at the Planning Commission with safety (sight distance and traffic speeds), the access has been revised to be located further down the hill (south) and would share access with the neighboring property (Tunget). As a result, the lot sizes have changed also.

Building envelopes are not included, but development is conditional to be located within 150 feet of the access road along the northern part of the lots. This Preliminary Plat includes easements for irrigation ditches within and throughout the property and a utility easement along the proposed road (private road, privately maintained).

DISCUSSION

The site is utilized as Agricultural land and is currently vacant. The proposed plat identifies the topography of the landscape and considers this in the design and layout. The norther portion of the property ha a gentle slope from southeast to northwest. Slopes are steeper from the edge of the bench south. A 15-foot ditch easement is located along the edge of the bench, with additional ditch easements along each proposed property line.

There is an existing 10-foot ditch easement along the northern property line. The Preliminary Plat illustrates the proposed location of ditches and easements along the interior property lines of each proposed lot, plus a ditch general following the edge of the steep topography (southern portion of the lots).

SUB20-018 (Tunget, 2021)

The subject property is Lot 1 of the Tunget Subdivision (SUB20-018), which was a minor plat recorded August 23, 2021 (Reception #732082). The Tunget Subdivision was a 2-lot subdivision of about 45 acres generally designed to separate agricultural land to the south following some significant topography which remains with the subject parcel.

Issues identified with the Sketch Plan related to access, water, and irrigation. The Sketch Plan was conditioned to require shared access between Lots 1 & 2. Staff determined that a shared access would not be viable for the lots due to the terrain of the lots. Access for Lot 1 exists and the applicant installed a new access for Lot 2 per County Road and Bridge (Access Permit). Right-of-way for 1900 Road was dedicated (accepted) with this Plat.

PLN22-048 (Brentlee Subdivision, May 2022)

An application was submitted to subdivide 26.60 acres into four (4) lots:

- Lot 1 (6.03 acres), vacant with ag land, significant topography
- Lot 2 (5.55 acres), vacant with ag land, significant topography
- Lot 3 (7.55 acres), vacant with ag land significant topography
- Lot 4 (7.47 acres, Flag Lot), vacant with ag land, significant topography

The subject parcel is zoned A5 which means the subdivision fits the zoning designation which calls for a minimum lot size of 5 acres. These lots application also meet the minimum lot dimensions requirements in the A5 zone of 200-foot width, and 75-foot lot frontage – along the proposed access road. The design and dimension of Lots 1-4 are such that there is adequate space for future development to meet the setback requirements of 15-feet from interior property lines, and 25-feet from all roadways (public & private).

Following the PC hearing, the configuration was amended as a result of changes required by the Planning Commission:

- Lot 1 (6.23 acres)
- Lot 2 (5.76 acres)
- Lot 3 (7.66 acres)
- Lot 4 (6.72 acres)

The original flag lot designed was modified so that the road is not encompassed within Lot 4 and instead is crossing property connected to each of the lots (1-4) via an easement. This Preliminary Plat is included as Exhibit B to the Resolution.

Irrigation

Proposed improvements are located in an area currently irrigated and used for agriculture. According to documentation submitted with the Tunget Subdivision, it appears that the subject parcel has 12.2 shares of Uncompahgre Valley Water Users Association water allotted to it. Because subdivisions of irrigated and inherently have an effect on irrigation operations, an Irrigation Plan is required to be submitted to describe how it will continue, and how the operation will protect irrigated Ag lands (head gate location, pipe location, direction of flow, where/how irrigation water will be applied, etc.)

Water/Utilities

Subdivision requires proof of an adequate water supply for all lots/parcels. Water meters must be installed for each parcel before the County accepts a Final Plat. Tri-County has made note of their intent to provide taps for purchase, which will require infrastructure investments from the developer.

Ensuring that the proposed development is served with adequate and appropriate utilities and that the utilities are installed in appropriate locations to allow for efficient access and maintenance is a goal in the LUC, which states that generally, utilities shall follow road and driveway corridors. The Preliminary Plat shows electrical lines running along 1900 Road as well as a DMEA easement along the proposed roadway. New utilities shall be installed underground as stated in the plat notes.

Access

An approximately 900-foot-long shared access road would provide access to all four lots along the northern property line extending off of 1900 Road (Public Road, County maintained) and terminating in a cul-de-sac. The original design included a flag lot designed for Lot 4, containing the proposed road. According to the Delta County Land Use Code, a flag lot appendage shall be avoided when possible. Where appropriate, the minimum width of a flag lot appendage shall be 30 feet. The Preliminary Plat displayed the width of the flag lot appendage as about 40 feet. County Engineering requires a 60-foot right-of-way on all roads, public and private.

Changes made after the Planning Commission meeting include relocation of access to 1900 Road, increasing the distance away from the crest of the hill, thereby increasing safety. The new access point begins about 320-feet south of the northern property line, runs north paralleling the road, where there is an existing driveway, and connecting with the intended entry road for the four (4) lots of the proposed consolidate access points and keep them away from the crest of the hill. This will be a private road so there will need to be an easement established that allows all four lots direct access onto the proposed roadway.

The configuration is considered appropriate to allow safe ingress and egress onto 1900 Road from the shared access road proposed which will run perpendicular to 1900 Road, allowing for visibility. This design also limits the number of access points from 1900 Road. The proposed road is required to be designed and constructed in accordance with the Delta County Roadway Design and Construction Standards.

Dust control may be required, and plat notes for the mandated weed control and limit of glare from outdoor lighting are included on the plat.

Process

Subdivisions consisting of three or more (3+) lots are subject to a Preliminary Plat presented to the Planning Commission (Public Hearing) for recommendation to the Board of County Commissioners (BoCC). The BoCC is the final decision-making body for a Preliminary Plat. In addition, within 12 months, a Final Plat must be accepted by the BoCC once the conditions of approval are met.

A Final Plat is scheduled at a noticed hearing before the BoCC. Conditions of the Preliminary plat must be cleared to the satisfaction of the Planning Director prior to accepting/recording a Final Plat. Deeds are required for each new lot to be recorded in order to effectuate the new lot description.

The following items (conditions) must be addressed prior to accepting the Final Plat:

1. Access shall be permitted and constructed to County standards. The Applicant shall work with County Engineer to identify and appropriate location for the access.
2. A shared access/utility maintenance agreement shall be submitted to the satisfaction of the Director.
3. An Irrigation Plan shall be submitted describing the proposed operation of irrigation for Lots 1,2, 3 & 4 including any easements for access to irrigation headgates across neighboring lots.
4. The Final Plat shall include the following notes:
 - a. All standard plat notes in accordance with the Delta County Land Use Code; and
 - b. Restrictions of all four lots from further subdivision, unless the property is rezoned; and
 - c. No development can occur more than 150 feet from the utility meters along the northern property line, in order to retain irrigated fields south of this line. This developable area shall be illustrated on the plat (e.g., building envelope).

OTHER AGENCY INVOLVEMENT

Planning Staff sent the Preliminary Plat along with a summary to the Review Agencies for comment on May 12, 2022. Adjoining Property owners (within a 200-foot radius from Parcel #3455331001001) were also sent a Public Notice for this application, including the applicant. Comments have been received by City of Delta, Colorado Department of Transportation (CDOT), Uncompahgre Valley Water Users Association (UVWUA), County Engineering, Francis McIntosh, Paul Sweitzer (neighboring property owner), DMEA, and Tri-County Water.

CDOT: May 17, 2022

CDOT has no comment.

City of Delta: May 27, 2022

No comment.

Delta County Engineering: June 1, 2022

1. All roads public and private, require a 60-foot right of way.
 - a. The cul-de-sac shall meet Item 18 of Appendix 5 of the Delta County Roadway Design and Construction Standards.
 - b. The Flag pole portion of Lot 4 shall be a right-of-way.
2. One Residential access/driveway per parcel (lot) per 4.9.10 Driveway's paragraph 2, page 32 of the Delta County Roadway Design and Construction Standards.
 - a. One residential access/driveway per parcel. Horseshoe Driveways are not allowed (added as a plat note).
3. The Line table in the upper right corner of the plat appears to be missing a few lines.
4. Reverse bearings on the south parcel line to read clockwise. See Engineering Plat Redlines.

5. The applicant shall revise and resubmit the application with appropriate changes based on staff comments and with response to staff comments that did not result in changes to the application (Chapter 7, Section 2.D, Recommended Revisions)

Tri-County Water: May 24, 2022

There is currently an uninstalled meter that has been paid that could serve lot 1 from 1900 Road. However, since the nearest water line is on 1900 road, the developer must install a water line in the proposed easement in accordance with Tri-County Subdivision Policies before the remaining three meters can be installed. This will require Tri-County tie-in and inspection deposit and purchase of three additional meters for a guarantee of service.

UVWUA; May 27, 2022

This acreage has irrigation water delivered by the Uncompahgre Valley Water Users Association. No new water delivery structures will be constructed for the proposed subdivision. The irrigation water for this tract of land will be delivered through existing headgates. The lot owners/sellers shall be responsible for any necessary easements or water delivery systems and for the removal of tail/wastewater back to the U.V.W.U.A. water delivery system for each lot.

The irrigation water for this tract of land will be delivered through existing headgates. The lot owner/sellers shall be responsible for any necessary easements of water delivery systems and for the removal of tail/wastewater back to the U.V.W.U.A. water delivery system for each lot.

U.V.W.U.A. recommends the use of U.V.W.U.A. water for all irrigation purposes. Please provide U.V.W.U.A. with a final plat of said subdivision upon approval. AREAS OF CONCERN: None
U.V.W.U.A. has no objection to the proposed subdivision.

DMEA: June 14, 2022

DMEA's comment are: Three Phase electrical service is available along 1900 Road. DMEA is not responsible for delays in construction due to labor shortages or supply chain issues. Contact DMEA to design electric service to the new lot(s).

Neighbor Comments

Frankie McIntosh noted concerns about the exit/entry point, a traffic report should be conducted, the land not being irrigated or farmed this year. Irrigation delivered through her property was a concern. Impact to Sweitzer Lake and its wildlife and waterfowl, outdoor lighting effecting the night sky. Concerns regarding fire and hydrant availability were also shared.

Paul Sweitzer noted concerns about Irrigation Plan requirements, the dangerous proposed entrance to the Subdivision.

On October 3, 2022, Planning Staff sent the revised Preliminary Plat along with summary to adjoining Property Owners (within a 200-foot radius from Parcel #345533101001). Planning has not received any additional feedback from any other adjoining property owners.

[End of prepared report]

Commissioner Koontz asked about the tail water and if the issue had been resolved. Ken explained that the tail water ends up going right back to where it historically has gone and Uncompahgre has a drainage system set up right there so the tail water will not change from where it has gone historically.

Chairman Suppes commended them on this because there was a line-of-sight challenge with this and he appreciates them working together to get this done because there is a lot of traffic up and down this road.

Commissioner Koontz made a motion that the Board approve Resolution No. 2022-R-029 a Resolution conditionally approving a Preliminary Plat PLN22-048 for the Brentlee Subdivision to subdivide 26.60 acres into four lots in the A-5 zoning district generally located west of 1900 Road, south of E Road, Delta, Parcel No. 345533101001 for the Mazuries LLC. Commissioner Lane seconded the motion.

Motion carried by a vote of 3 to 0.

PLN21-080 Delta Paving Gravel Pit (Elam Construction)

Consider a Conditional Use Permit (CUP) to expand an existing gravel mining operation and allow temporary use of a mobile asphalt mixing facility. The project is located at 8020 State Highway 65, Delta (Parcels: 345510202002, 345503400053 and 345510100028).

Ben Langenfeld, Lewicki & Associates, representing Elam Construction and John Mueller were present.

Chairman Suppes explained to those present that a month ago the Board had their public hearing where they took testimony and since that time there have been two items of possible change on this application, 1) amendment of a possible location of the asphalt plant 2) EPA report. He stated that due to transparency and being open they will reopen public testimony in a public hearing but will only be allowed on those two topics because there has been a public hearing and that hearing has been closed.

Chairman Suppes asked that those making comments keep their comments concise and to the point and without conflict. Commissioner Koontz added be respectful.

County Attorney John Baier added that another revision to the application involves the boat ramp easement and concept which would be right for public comment. Chairman Suppes said that this would be the third item of discussion would be the boat ramp inclusion on the application. He added that if they get off path, he will shut them down.

Carl gave a brief overview of the application and the three items that have been revised in the application which are:

- Alternative locations of the asphalt plant
- Language relative to the boat ramp
- EPA report in regards to the air emissions

[Prepared report]

PROJECT INFORMATION:

Property Owner(s): Grand Junction Concrete Pipe Co. (GJCP)
Richard M. Frazier and Betsey A. Frazier
Applicant: Jim Doody (Representative of Elam Construction)
Site Address: 8020 State Highway 65, Delta, CO 81416
Location: Sections 3 & 10, Township 152, Range 95W, 6th PM
Parcel ID/Acct: 345510202002, 345503400053, 345510100028
Parcel Size: 41.62-Acres, 39.13-Acres, 92.02-Acres
Zoning: A-20

Report Prepared by: Kate Kelly, Planner I

RECOMMENDATION:

Planning Commission recommends that the Board of County Commissioners (BoCC) approve the mining expansion and deny the asphalt plant. A draft resolution is attached for consideration, including findings and evidence supporting this recommendation as follows:

- b. Find that PLN21-080 meets standards of the 2018 Master Plan and the 2021 Delta County Land Use Code; and
- c. Vacate Resolution No. 99-R-009 repealing the Delta Paving Gravel Pit Agreement, permitting a sand and gravel pit located along the east side of State Highway 65 and the north side of State Highway 92 (Reception #524802, recorded on 05/11/1999); and
- d. Approve PLN21-080 Delta Paving Gravel Pit (Elam Construction), a Conditional Use Permit for amending an existing mining (sand and gravel) permit located at 8020 Highway 65, as follows:
 1. Continue Phase (Pits) 1 & 2 on Parcels 345503400053 and 345510100028 (130+ acres); and
 2. Add Phase (Pits) 3 & 4 on Parcel 345510202002 (40+ acres) to the existing permitted operation on 130 acres (170 acres total); and
 3. Remove Use of Gunnison River for mining operations; and
 4. Retain restriction prohibiting use of a mobile Asphalt facility.

Conditions (27) are recommended in Exhibit A of the resolution. Condition language in red font has been added since the September 20th meeting.

The resolution includes yellow highlight reflecting areas that would need to be amended if the Board wants to approve the asphalt plant, as requested by the applicant. Staff has provided comment boxes expanding the different changes. If the Board wishes to deny the entire application staff requests direction on findings and direction to return with a resolution for denial.

SUMMARY/DISCUSSION:

Delta paving Gravel Pit (Kilgore Companies dba Elam Construction, Inc.), is proposing to expand their mining operation to include a third parcel (40+ acres) and add a mobile hot mix asphalt plant to their current permit. The property is located south of the Gunnison River (town of Orchard City north of the river) with frontage along the eastern boundary of State Highway 65 and the northern boundary of State Highway 92 (8020 Highway 65, Delta).

Mineral Extraction/Quarry uses are subject to a Conditional Use Permit (CUP) in the A-20 zone. Rural Heavy Industry uses (asphalt plant) are subject to a Conditional Use Permit (CUP) in the A-20 zone. Mining a rock crushing are to include Parcel 345510202002 (GJCP, 41.62 Acres, Lot 2 of Volk Subdivision) as Phases 3 & 4. Per the Planning Commission, the project is condition for Phase 3 & 4 to move from south to north on that property.

On September 20, 2022, the Board of County Commissioner (BoCC) held a public hearing in regards to PLN21-080 Delta Paving CUP. Staff explained the standards (requirements) that are set out in the Land Use Code that would apply to this application, including Specific Use Standards. The Land Use Code issues for this application include: Ag operations (reclamation plan, buffers), hazards (flood, fire, spills), noise (hours of operation, State regulations), air/odor (air quality permits, complaint tracking), and traffic/circulation (truck routing plan, access permit for Highway 65, CDOT).

The expansion parcel includes a plat note restricting use for ag and residential purposes. A condition requires processing a replat to amend the plat/note. In addition, staff noted language from a 1999

resolution restricting use of an asphalt plant on the two parcels where the exiting mining operation was permitted with a development agreement. It was explained that the 2021 Land Use Code (Chapter 1) states that "Conditions of approval may be modified or eliminated by amendment to the development agreement through which conditions were imposed." This application requests to amend previous permit conditions.

Ben Langenfeld (Lewicki & Associates, representing Elam Construction) gave two presentations; one on the sand & gravel operations, and one on the mobile hot mix asphalt plant that would be used on the property, if approved. The BoCC discussed the following topics with the applicant:

- Sand & Gravel Expansion
 - o Life expectancy (100,000 tons a year)
 - o Pumps (diesel or electric)
 - o Decibel level of the diesel pumps
 - o Sound reducing measurements (crusher)
 - o DHV limit (day vs. to the hour trips)
 - o Traffic Study (Level I vs. Level II)
 - o Augmentation Plan (evaporation loss/use)
 - o Groundwater movement (how will it affect the mining operations)
- Asphalt Plan
 - o Pollutants – efficiency of filters
 - o Relocation of the asphalt plant further toward the south end of the pond.
 - o Night work projects (frequency, depending on roads & traffic)

The Chair of the Board opened the public comment section of the meeting. Numerous neighbors were in attendance, voicing their concerns with the following items: odor, environmental clearances, property values, life expectancy, wildlife habitat (impact), term "never" means never, health concerns (toxins), benefits to the County (taking and no giving), water concerns, visual impacts, dust, traffic concerns (Level II Study vs. Level I Study), evaporative loss (surface area), number of gravel pits in the County (too many), necessity for gravel pits & asphalts (why do we need more?), reclamation (why the ponds?), industrial uses in the area (along the river), and the riparian rights. Generally, most of the concerns were geared towards the addition of the hot mix asphalt plant versus the expansion of the sand & gravel operations.

The Board afforded the applicants the opportunity for rebuttal of neighbor comments; to which Mr. Langenfeld spoke to. Mr. Langenfeld clarified a few points including the days and time of year that the plan can be operated onsite, water rights and that they are designate for industrial uses, per the Water Courts, for the property for this specific purpose, permits are in place for the site (as permitted by the state), no violations are existing, traffic data sources (CDOT measurements for highway), infrastructure has to increase with the increase in population; materials are needed to maintain and rebuild. The Chair of the Board closed the public hearing, and the Board voted to continue the matter for consideration until October 18, 2022. It was noted that no further testimony would be taken on the 18th, however, the Board requested three things:

- Consider moving the location of the asphalt plant as far south as possible within the permitted area of the site for Pits 1 & 2. The applicant has provided an aerial showing three options for the Board to consider. Option 3 is located furthest south. The elevation of Option 2 is about 15 feet lower than Option 3, and is in additional 1000+ feet further from the bluff where homes are located. Option 2 and 3 would require locating the plant on the Frazier property, subject to their lease agreement.
- Provide technical data relative to the efficiency of air emission controls. The applicant provided an EPA Fact Sheet.
- Consider dedicating right-of-way to the County for river access & a boat ramp pursuant to the Delta County Recreation and Trail Master Plan (2018), which calls for a boat ramp/access at this location (Hwy 65 bridge). Staff finds that this could be made a condition to be implemented when the Replat is processed – to remove the restriction on Lot 2 of the Volk Minor Subdivision. The applicant indicated that they would be willing to provide access, and has suggested the following condition language: "An easement for a boat ramp reaching the Gunnison River and an easement to allow access to said boat ramp from State Highway 65, will be included in the recorded plat for the property containing Pits 3 and 4. This easement will remain inactive until mining has completed on the site." The applicant wishes to commit to the boat ramp, but does not want to engage in installation of it prior to completion of mining for public safety reasons. Staff recommends a bit differing language that require dedication of right-of-way in Fee Title and an Improvement Agreement that outlines timing for development to be considered by the Board with the Replat (Condition 27).

As noted at the hearing, the Planning Commission deferred to the Board as to amending a prior (1999) Board action relative to the asphalt plant. Staff has reviewed all documents submitted by the applicant and finds them sufficient for what is required by the Land Use Code, and as conditioned. Therefore, staff finds that the application has met all requirements & standards of the LUC for a Conditional Use Permit (PLN21-080). All required fees have been paid for this application.

OTHER AGENCIES:

Planning Staff received a phone call from Brian Killian (CDOT) in regards to an Access Permit for the site. Staff explained the outcome of the Board meeting and the additional condition of adding a public access to a Boat Ramp. Mr. Killian confirmed that if there was to be a condition for a Boat Ramp off Highway 65

with public access, a Level II Traffic Study would be required for the project site, regardless, and the applicant was made aware of CDOT's comment.
[End of prepared report]

Representative for Elam did not have any comments to add to the presentation.

Chairman Suppes reminded the public of the three items that they can speak to are:

- The change of location for the potential asphalt plant
- The EPA report presented
- The boat ramp

Public Comments:

Toni Chatto, 20280 Fox Ridge Drive, Austin:

Toni said one of the reasons for the asphalt plant or not for the asphalt plant is. Chairman Suppes said that this has been addressed and is in regards to the location of the asphalt plant. Toni said that she objects to a lot of things that have been written on plats before that could be in question because of this and the use of "shall not" and all that have gone on the plats. She stated that if the Board approves it, they should grandfather them all in. Toni added that you can put "never" in asphalt plants in the specs but they need to grandfather them in permanently. She stated that there is time (of operation) on the asphalt plant but are there times on the gravel. Chairman Suppes explained that this is public comment period there will not be dialogue back and forth. Toni said she is unsure of when the gravel is going to be mined out of there and for the whole year. She stated that she is unsure if the whole strip is going to be zoned eventually industrial.

Len Willey, 7241 2000 Road, Delta:

Len said he had a general objection to the asphalt plant. Chairman Suppes said that took place a month ago.

Joel Zedecklik, 19936 Iris Road Austin:

Joel wanted to address the EPA portion and he does not think everything has been addressed both the carcinogenic and how far this stuff is going to float. He said even though they came back and said they made all these rules and regulations he is not happy with them at all and it needs to be looked at. Joes stated that an asphalt plant that is temporary does it have to have the same regulations as an asphalt plant that would be there forever. He said his concern is the forever part of it once they get their foot in, he believes there will be a problem with that.

Sherry Bennett, 8641 2085 Road, Austin:

Sherry said she feels that there are a lot of other things that need to be stated. She stated that the traffic is her main concern because she has almost been rear-ended many times on that road. Sherry said she is opposed to the asphalt plant and "never" means never.

Dick Kirkpatrick, 20239 Iris Road, Austin:

Dick said his wife has a property that overlooks the gravel and where the asphalt plant is going to be. He stated that his exception is to the new locations, they were moved a little bit but doesn't do anything. Dick said that if you put it back of the screen and look from the lower left-hand corner to the lower right-hand corner on top of that hill is where his wife has that property. He explained that the relocation does nothing for the prevailing southwest wind that blows to the northeast so moving them on the same plan serves no purpose and they all know that Delta County has a lot of places that they can put a temporary batch plant and could be put in Delta County gravel pits, but to put in this area he protests.

Mitch Thomas, 20115 Iris Road, Austin:

Mitch said he agreed with Dick and nothing to add beyond his statement.

Sheri and Lenny DeTomasi, 8448 Marshalls Road, Austin:

Sheri and Lenny agree with Dick as well and that is their comment.

Riley Dunn, 8041 Highway 65, Delta:

Riley stated that the relocation of the asphalt plant does nothing. He said you are talking a mile and a half of pollution from that thing and moving two hundred yards is not going to do anything. Riley added that the boat ramp is a joke, the boat ramp does not get put in until they are completely finished and that is in 2060.

William LaPlante, 20813 Iris Road, Austin:

William said that they have been residents of this property for over 30 years and have seen quite a bit of development on Iris Road during that time. He stated that the number of residences there have tripled so in light of what Mr. Kirkpatrick said the effluence from the stack no matter whether they are only operating 90 days a year or 90 days in a row will definitely have an impact on probably the property and the health of the people that live up on the bench and the first reason is why he is objecting to the placement of the batch plant.

William explained that if it is truly a mobile batch plant it can be put just about anywhere that Elam could find room for outside of a beautiful gateway to the Upper Surface Creek Valley. Chairman Suppes reminded him to keep it to the three items that was the change on the application. William stated that the second objection would be that this batch plant, what is it going to serve. He said he can't make his

comment regarding the usage of it but he firmly believes that this location will decrease the quality of life and agricultural usage of that particular plot of land and the adjoining agricultural lands across the highway and up the road from it.

Marsha Thomas, 20115 Iris Road, Austin:

Marsha explained that she was a double lung transplant recipient and she is concerned about the air quality. She said not only do the chemicals survive in the air whether the plant is being operated or not, they are there and we are breathing them in they are on their property. Marsha stated that they grow corn and alfalfa and what will happen when the chemicals settle on the ground and get into the agriculture and is fed to the cows. She said that she thinks their place where they have chosen to set the asphalt plant is not desirable at all, too many homes and farms up there.

Public comment closed at 10:28 AM

Ben Langenfeld and John Mueller were present to rebut and comments.

Ben said the question came up about the difference with the EPA regulations whether a plant is portable or a plant is non-portable. He explained that there is a difference set of permits they regulate the same things with the same standards, the difference is because it is a portable plant every time, they move it they have report that they moved it and where they moved it to which you would not have to do with a stationary plant.

Ben stated that in regards to the boat ramp delay as they outline communication with the Planning Department the main concern is that as long as they are operating an active mine through the access, recreation traffic should not be intermixed for public safety reason, they are regulated through the Mine, Safety, Health Administration and they are strict and specific and can be a challenge that would not benefit around anyone. He added that they want to commit to the boat ramp so they have tried to structure their language and have as a condition so that is still accomplished.

Ben said in regards to the asphalt plant location he clarified where the three locations were identified. He explained that Option 1 closest to the river is in an area that already sees activity and disturbances within the stormwater berms and existing infrastructure and is tucked up by the cottonwoods and he believes that would be the least noticeable location of the plant. He stated that placing as far south as possible away from the mesa has some merit but they would have to open up and existing farm field before they are ready to mine it and once, they do that for the asphalt plant that would stay disturbed and has a certain impact on agricultural land. Ben explained that the in between option marked as #2 essentially is as far south as they could go without having to open up a currently undisturbed agricultural land for the asphalt plant.

Carl said there was a question relative to the hours applied to the gravel or the asphalt plant. He stated that the when it applies to the production of concrete and asphalt so the mining itself would not have the restriction but for the rock crushing and concrete production or if the asphalt plant is approved that is what those hours will apply to and those are carried forward from the previous 1999 resolution.

Board's discussion:

Commissioner Lane stated that the 1999 "never" resolution applies to the property that Elam owns, not the Frazier property. John said that was not correct but it applies to both the Grand Junction Pipe which is now the Elam Property as well as the property that is under lease from Frazier Trust. Commissioner Koontz asked if that included site #3. John said he believes the lease area is the northern half of that field. Ben clarified that #3 and #4 is Elam the northern half existing is Elam and the Frazier's is the southern part of the existing. John said that Commissioner Koontz has said sight three and he wanted to be clear that he was referring to dot 3 but not phase or pit three. Commissioner Koontz said that he meant the asphalt plant option 3.

Commissioner Lane asked if the 1999 resolution covers that property and does not cover any other property in Delta County. John explained that by the language in the resolution it refers to the land that Grand Junction Pipe Company owned that Elam now owns, the two parcels on the west and north as well as, some of the Frazier property. He added that Frazier has a lot of property in that area but the property that is co terminus us with the mining permit at least for the Frazier portion. Carl said that the Frazier property is the lower 20-acres was not included in the original mining permit.

Chairman Suppes stated that he takes issue with the boat ramp, this could feasibly take and have been in process with this gravel pit for 23 years as is. He said that it could take 20-30 years and he does not see CDOT being as lenient with that existing boat ramp for much longer and he has issue with waiting until this project is done for the boat ramp. Chairman Suppes believes that there enough smart people in the room that they can come up with a plan to make things work but he has issue of putting the boat ramp out until finality of the operation. Ben said that the way the conditions are worded currently, they have a condition that allows to work with staff to lay out the specifics with the improvement agreement. He stated that they never want to shut the door on a good new idea that comes in, if they have a way to build a boat ramp earlier and still address the safety issue then that is fine by them and have no issue with the requirements to go to CDOT for the boat ramp and get a new access permit for that. Ben said that they are concerned about front loading it with a hard line in the conditions and that creating problems for them. He added that they do not have a problem trying to find a way to make that work with the understanding

that if it doesn't, one way or another a boat ramp will be there it may be delayed or it happens immediately the commitment is still there one way or the other.

Chairman Suppes said that he is not inclined to move forward unless there is a way to get the boat ramp front ended on this project. He added that this is an issue that we have constantly in this county is access to the river and the amount of time, space and resources that is going to be consumed by this project, he doesn't think front ending this project should be that big of a deal. Commissioner Koontz asked what he wants to define as front end. Chairman Suppes said that he would like to hear some better ideas but within a few years.

John Mueller said that was their concern trying to figure out what that time line would look like because it was added at the end of the meeting, they were trying to give themselves some way to come to a solution without diving in and saying that the deadline has to be done by the first of the year or something like that.

Chairman Suppes stated that it did get sprung on them and is part of the Trails Master Plan and it is in code but it did get sprung on them at the last meet but he wanted to express his objection to putting this off to the end of the project. John said their primary concern is if they have a serious paving job in the near future and a boat ramp at the same time is a safety issue and there is a good chance that if things were done in a certain order. He suggested that if they get a job within five years and it gets done there probably won't be another job for quite a while after that, they could put in a boat ramp and there would not be the job intense traffic intertwining with the boat ramp traffic or as likely and still will bring the boat ramp soon. Chairman Suppes said that may be that is where the confusion lies here, because it was not his intention for them to build the boat ramp, that was going to be a county project because they would have to pull the permit, what the issue was is having the right-of-way and access given to the county so they could pursue that. Ben stated that he believes they can put the easements and right-of-way, those can be transferred over.

Commissioner Lane clarified that the county would build the boat ramp, we just want the easement and access there. Ben said that they are fine with that. Ben said the primary permit is just an active operation with intermingling of tour boaters. Commissioner Lane asked if boat traffic is on weekend and they would be shut down. Chairman Suppes stated that boat traffic is year around but the traffic counts per day allowed by CDOT are not great that he thinks there will traffic jams, he does not think that is the case. Ben said he thinks they are fine putting in place the easement and right-of-way promptly and if they need to coordinate with the county in terms of when it needs to come on line for traffic management if that is something that they can work, he believes it can, that's fine. Commissioner Lane asked even with the boat ramp completed and there is a big job you still have boat ramp traffic and the gravel traffic many years down the road. Ben explained that if it's the preference of Delta County to get this boat ramp put on paper and clear up front then they will have to plan around it down the road. Carl asked if it would make sense to have a separate entrance. Chairman Suppes said is it would be what CDOT will allow but he doesn't think you will see a CDOT access off of that at any point near by there. Ben stated that he believes that the way the conditions are worded they can work that out if that is possible and they are fine with figuring that out with staff.

Carl explained that it was their intent was through the replat they would formalize the dedication that was the main thing and then discuss the timing relative to the construction of the boat ramp. He said getting the dedication so we have the land set up.

Commissioner Koontz asked if it will be held in an easement, right-of-way or fee simple. Carl said it is the pleasure of the Board but for public access he would recommend be a right-of-way dedicated. Chairman Suppes said that followed precedence what they have done with development in the past. John asked what follows precedence. Chairman Suppes clarified as far as dedicating right-of-way. John said not fee simple. Chairman Suppes stated that he was talking about dedicated right-of-way. Ben added that the condition says that they will bring it back to the Board to approve the agreement and with the replat. Carl explained that would give the Board has the ability to see how it is aligned and what that area looks like, otherwise an administrative replat is done administratively but in this case the conditions the requirement to come to the Board.

Chairman Suppes said that at the last meeting that he made comment that he had issue with the term "never". He does not believe that three county commissioners should ever have the right to determine what happens on a piece of property for ever, he does not think that power should be there. Chairman Suppes added that he believes that man is a temporary thing and try and say what is going to happen on a piece of property forever he takes issue with. He said he also understands that there was some what of an agreement even if it wasn't necessarily written between property owners and the development, there was an agreement that this would not take place. Chairman Suppes stated that is his challenge.

Commissioner Koontz agreed with Chairman Suppes on the "never" part but also Delta County needs to stand by its word. Chairman Suppes said he would not disagree with that. Commissioner Koontz stated that representing Delta County at now at this time we had three very deliberative people making those decisions back in 1999 too and the applicant knew this. He added that this is really tough and he agrees with Chairman Suppes that "never" is now a tough one that now they have to deal with.

Commissioner Lane explained the word "never" is like the conservation easements going on some of the properties that do not generate property tax after going on a conservation easement. He thinks that they should stand by it because 1999 it was not just the three commissioners, it was the property owners and the Frazier's were all involved in that and the conservation easement is forever on properties but instead

of using “never” they use a conservation easement. Commissioner Lane added that it is tough, Elam is a profit motivated company just like the people in this room go back in your life time and you have profit motivated to improve your standard of living, yourself, your kids, your grandkids everybody in this room. He said that this restriction is on there and he feels we should honor it.

Chairman Suppes said that he does not like the term “never”, he has no problem with timeframes being put in place and re-up when that time is done. He stated that no one in the room, no one who has sat at that table has had a crystal ball and he does know that when government starts trying to use a crystal ball usually, they fail. Chairman Suppes added that he does agree that there was an agreement made and he does think they owe to stand by that agreement as much as possible but he does not like the word “never” when it comes to land use.

Chairman Suppes explained that there is a resolution for acceptance of the gravel pit excluding the asphalt plant. Carl said that they have resolutions either with or without the asphalt plant. He stated that if it was easier for the board they could take it in two motions, one relative to the mining expansion and one to the asphalt plant or make it as one motion. John said that the Planning Commission made two motions but one resolution. Commissioner Lane asked if in the motion they need to refer to the boat ramp. Carl explained that condition is in either resolution the changes would be if there is no asphalt the action would be removing the restriction of the use as far as asphalt the other would be retaining the use of asphalt.

Commissioner Koontz asked Chairman Suppes about “never” and how do we address that. Chairman Suppes explained that this resolution will repeal the 1999 resolution but this resolution also denies the use of an asphalt plant on this property. Commissioner Koontz said if we so voted on it that way.

Commissioner Lane wanted to thank Carl, everyone from Elam Construction and their staff they have put in a lot of hours. He thanked the Planning Commission for the decisions they made, the people showing up to day shows that they are interested in the county and community and commissioners’ decisions.

Commissioner Lane made a motion that the Board that Resolution No. 2022-R-030 approving a conditional use permit amending an existing mining sand and gravel permit located at 8020 State Highway 65 approximately 1.32 miles east of Delta and abutting the Town of Orchard City, parcels 345510202002, 345503400053 and 345510100028 to continue phase pits 1 & 2 on parcels 053 and 028 130+ acres; add phase pits 3 & 4 on parcel 002 40+ acres to the existing permitted operation on 130 acres, 170 acres total, remove use of Gunnison River mining operations and retain restrictions prohibiting a use of mobile asphalt facility. Commissioner Koontz seconded the motion.

Discussion:

Commissioner Lane clarified that was to approve the gravel pit but no asphalt. Commissioner Koontz agreed.

Chairman Suppes stated that his comment is that they have had a lot of issues regarding private property rights in the past. He gets concerned when they go down this road when neighbors start telling neighbors how to treat their property and it is a slippery slope so he is generally concerned direction of private property rights. Commissioner Koontz said duly noted Commissioner and he is right. He added that as heated as this discussion has been on this, there has been a lot of over-the-top type rhetoric on this, a lot of finger pointing at the commissioners when it was unnecessary and unhelpful, it was counterproductive. Commissioner Koontz said that he would hope as a community that we are better as a community in addressing these types of topics and he appreciates everybody being here, he appreciates the staff and the time they spent on it.

Motion carried by a vote of 3 to 0.

HUMAN SERVICES – ANNE GALLEGOS:

Debbie Melgoza, Lori Cressler, Michelle Whining and Haley Clarin.

Payment Approval Report – August 1 through August 30, 2022:

The payment approval report was reviewed and signed by the BoCC.

Public Health Emergency Update:

Anne reported that they made 4,000 flyers that will be distributed to all elementary schools in the county and they will be displaying them on the web pages and for the middle school when they send the weekly newsletter and the High Country Shopper in both English and Spanish. She added that they have the flyer in multiple languages.

Increase in Child Welfare:

Chairman Suppes noted a big jump in child welfare. Anne explained that it reflective to what they have seen since school has started with an increase in referrals, in September they jumped to 90 and in August they had 67 so since September 8th they have removed 23 kids. Commissioner Lane asked what happened to those 23 kids. Anne said that they removed into out of home placement and normally their removals are finding safety concerns that cannot be mitigated to keep the kids home then with services they average five a month if that so to have 23 in one month was pretty significant. She compared to previous years and there has been a significant increase in child welfare.

Public Health Emergency (PHE) County Match:

Anne explained that when PHE was declared and we received supplemental funding to help manage work load related to that. She said that last year they did not attach a county match and this unfortunately Health Care Policy & Financing (HCPF) for a month missed seeing that Joint Budget Committee (JBC) had put in a county match. She said they notified her at about the beginning of last month so there are two plans:

- They will be asking for a supplemental whether that happens or not we don't know, if it doesn't there is an additional \$700,000.00 that they can put towards the allocation, the estimated share for all counties is \$1.2 million which they will apply the \$700,000.00 to and with the formula instead of the county match being about \$10,000.00 it averages out to \$3,600.00 which is the worst-case scenario the best is case is they give the supplements and there is no county match for that. Lori added that Delta County's is less than 10%.

Anne said that they had not anticipated and they have used the money from those funds for one full time position and the other was used for overtime when processing Medicaid.

Update on CCAP;

Anne reminded the Board that they talked about it last month and through the market rate survey included a 13% reduction and counties were concerned about that but the State will hold harmless clause because all of the counties are losing child care providers, we do not have enough and is a struggle and barrier in our community as well as in many others. She said they will go back to the rates they had previously.

13% reduction decided to use hold harmless clause and have issues in our community and going back to rates and they are glad to see that.

Haven House Memorandum of Understanding:

Debbie explained that they would like to fund through Temporary Assistance for Needy Families (TANF) funding Haven House who is asking for \$7,500.00 to help with the transitional housing program. She said they helped them last year and it is a great program with the way housing is such a barrier, especially for TANF clients and they have had clients go through the program from Delta County and is very beneficial. Debbie said that they give them a place to live, provide services, child care and things that they do with the youth and she would like to support them again.

Chairman Suppes said that he and Lindsay went and toured the facility last Friday. He stated that it is an impressive operation and when you listen to folks that have graduated from the program that are working there it is amazing how homelessness reaches out and grabs them without that there is no way to get back on their feet. Chairman Suppes said it is absolutely 100% worth every penny we give them. Anne added that there are several families within child welfare that has been a stabilizing force so they have been able to receive case management, track their sobriety, life skills and things that may not have received if they were in a community traditionally trying to access those services individually so for them to have it as a one stop shop has been very successful for families. Hailey added that it has prevented a lot of placements.

Commissioner Koontz made a motion that the Board approve and authorize the Chairman to sign the Memorandum of Understanding between Haven House at 4806 North River Road, Olathe and the Delta County Department of Human Services in regard to certain provisions and services offered to residence of Delta County; this memorandum will cover the period of November 1, 2022 through December 31, 2022 in the amount of \$7,500.00. Commissioner Lane seconded the motion.

Motion carried by a vote of 3 to 0.

Personnel:

Anne acknowledged the staff and units with this increase they are in a weird time in which half of the building is anticipating the unknown and we don't know what that will look like and looking at staffing issues trying to staff up in eligibility and not knowing what those numbers will look like PHE ends is the unknown place which is hard for technicians to operate and wonder what it is going to be like and in the same time the other side of the building is seeing a 21.9% increase in kids in placement, adult protection is up 38% in open cases and 70% of OLTC clients are requesting in home visits. She said there is a significant amount of change and increase and how they do business daily. Anne said the staff is working hard in an unknown time and very stressful.

Chairman Suppes said he always makes comment that one of the things that makes work in here being an elected official in the county is the staff, we have it easy because of you guys and extend there thank you to the staff.

INFORMATION:

Jail Report

Chairman Suppes reported that the inmate count was 44 male, 8 female and 0 Transgender inmate and 10 male DOC and 0 female DOC for a grand total of 60. The Average Daily Inmate Population for the week of October 2, 2022 to October 10, 2022 was 71.00.

Road and Bridge Reports

COUNTY ATTORNEY – JOHN BAIER:

REGULAR SESSION:

Board’s consideration of Resolution to authorize transaction, Chairman’s signature on Exchange Agreement and County Attorney to sign closing documents involving the exchange of property owned by McDaniel and Delta County in Hotchkiss, Colorado area.

John explained that this is for a resolution for authorization for real estate both properties are in Hotchkiss the Board has copies in their packet. He added that this is a resolution also authorizes the county attorney to sign closing documents between Paul and Kelly McDaniel and Delta County.

John reiterated that the resolution does three things:

- Authorize the transaction
- Authorize the Board Chairman to sign the exchange agreement
- Authorizing the County Attorney to sign all additional documents to execute and consummate the exchange at the closing on behalf of Delta County Board of County Commissioners

Commissioner Koontz explained to the Board that this is a triangular piece that was south of the Brody property that the Miners Trail will be occupying. He said they had two different land appraisals done on the triangle piece and the vacant land at the fairgrounds and there is roughly an equivalent transfer, not exactly and is the last piece for the Miners Trail because Paul McDaniel is a county employee both Robbie and himself stepped back and asked County Attorney Baier to work on this so there is complete transparency.

John stated that there is a boundary line adjustment in order to facilitate what has been referred to as the transferring parcel is in progress. He said he is working with the Planning Department on this as well.

Commissioner Lane made a motion that the Board approve Resolution No. 2022-R-031 a Resolution to authorize transaction Chair’s signature on exchange agreement and County Attorney’s signature on closing documents involving the exchange of property by McDaniel in Delta County. Commissioner Koontz seconded the motion.

Motion carried by a vote of 3 to 0.

ADJOURNMENT:

As there was no further business to come before the Meeting of the Board of Delta County Commissioners for Tuesday, October 18, 2022 Chairman Suppes adjourned the meeting at 11:36 A.M.

Approved this 1st day of November, 2022.

Don Suppes, Chairman
Board of County Commissioners

ATTEST:

Teri A. Stephenson
Clerk to the Board



Delta County
COLORADO

2022 GROUND AMBULANCE PERMIT

This ambulance permit is issued under the authority of and pursuant to C.R.S 25-3.5-301, et seq., and Delta County Resolution 17-R-005 (Emergency Medical Services) to:

DELTA COUNTY AMBULANCE DISTRICT

60 Heinz Street
Delta, Colorado 81416

AUTHORIZED LEVEL OF SERVICE: ADVANCED LIFE SUPPORT PERMIT #: AMB-2022.07

Inspection Date: 10/21/2022 **Unit #:** 01 **License Plate:** **Year:** 2022 **Ambulance Make:** Ford F-450

Ambulance Manufacturer: Braun Northwest **Type:** I **VIN #:** [REDACTED] **Odometer:** 1192

After review of the Delta County Ambulance District's Application and inspection of the above identified ambulance, I found the ambulance possesses all the required equipment and medications necessary to operate as an **ADVANCED LIFE SUPPORT (ALS) GROUND AMBULANCE.**

Kris Stewart, Emergency Management Coordinator

This permit is issued on the basis of an annual inspection of the vehicle, equipment and services provided by the above named ambulance service. This inspection and permit shall not excuse compliance with other applicable Colorado laws. The Salamander equipment ID card provided shall remain in the vehicle at all times as proof of inspection and valid permit.

This permit expires March 19, 2023 and is not transferable to another vehicle.

Authorized and issued by the Delta County Board of County Commissioners on this 1st day of November, 2022.

Attest:

BOARD OF COUNTY COMMISSIONERS
DELTA COUNTY, STATE OF COLORADO

Teri Stephenson, Delta County Clerk and Recorder

Commissioner Don Suppes, Chairman

RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

RESOLUTION NO. 2022-R-____

RESOLUTION INCREASING MONTHLY E-911 CHARGE

WHEREAS, on August 6, 1990, pursuant to an Intergovernmental Agreement (IGA) Concerning the Implementation of an “E-911” Emergency Telephone Service, effective August 6, 1990 (as amended in 1995), this Board of County Commissioners adopted Resolution 90-R-025, which imposed an emergency service charge per access facility within Delta County to pay for those costs of installation and operation of an “E911” emergency telephone system as permitted by the Emergency Telephone Act Section 29-11-101, *et seq*, C.R.S.; and

WHEREAS, the Emergency Telephone Act was amended effective April 30, 1997, to apply to wireless telephone accesses as well as exchange access facilities, and on August 27, 2001, this Board adopted Resolution 2001-R-030, effective April 30, 1997, providing that the emergency service charge should also apply to wireless communication accesses as provided in Section 39-11-101(2)(a), C.R.S.; and

WHEREAS, on August 30, 1993, this Board adopted Resolution 93-R-030 reducing the cost of the emergency service charge from \$0.50 to \$0.30 for the operation of the Delta County E911 system; then on July 15, 2002, this Board adopted Resolution 2002-R-023, increasing the emergency service charge to \$0.60 for exchange access facilities and wireless communication accesses effective January 1, 2003; and

WHEREAS, on February 22, 2010, this Board adopted Resolution 2010-R-006 increasing the emergency service charge from \$0.60 to \$0.70 for the operation of the Delta County E911 System; and

WHEREAS, on November 21, 2016, the Delta County Emergency Telephone Service Authority as administered by the Delta County Board of County Commissioners filed its application with the Colorado Public Utilities Commission (PUC) pursuant to 29-11-102(2)(b) C.R.S. for approval of an emergency telephone charge increase from \$0.70 to \$1.00 per service user per month; and

WHEREAS, on January 18, 2017, the Colorado PUC adopted and approved the emergency telephone charge increase from \$0.70 to \$1.00 per service user per month pursuant to proceeding No. 16A-0897T; and

WHEREAS, this Board has determined that the emergency service charge of \$1.00 per service user per month currently collected for exchange access facilities and wireless communication accesses no longer covers the cost of expected expenditures for the operation and maintenance of the E911 emergency telephone system, especially in view of the need to upgrade and expand the E911 telephone system equipment and 911 dispatch center radio systems;

WHEREAS, the Colorado PUC on September 21, 2022 voted during its annual proceeding (22M-0341T) to set the State of Colorado 9-1-1- surcharge rate threshold for 2023 at \$1.97, the state 9-1-1 surcharge rate at \$0.09 and prepaid wireless 9-1-1 service charge rate of \$1.71 per transaction;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delta County acting as the Delta County Emergency Telephone Service Authority; that the emergency telephone charge for the Delta County 9-1-1 service area, as provided in Section 29-11-102, C.R.S., as amended, shall be increased effective February 1, 2023 to \$1.97 for exchange access facilities and wireless communication accesses and the Resolutions set forth above shall be and hereby are amended accordingly.

IT IS FURTHER RESOLVED that as the Emergency Telephone Service Authority appointed by the Intergovernmental Agreement referred to above, the above stated 9-1-1 surcharges shall apply to the Delta County Communications Center Public Safety Answering Point (PSAP) service area as mapped on file with the Colorado Public Utilities Commission; including the municipalities of Delta County and the areas of Gunnison and Montrose Counties as indicated on the map.

IT IS FURTHER RESOLVED that the fee remittance schedule shall be modified pursuant to the requirements of *C.R.S. 29-11-103(5) Remittance of Charges*, to allow 9-1-1 service providers to remit fees to Delta County E911 on the following schedule, effective February 1, 2023.

If fees total \$20 or less per month, the payment is due annually by December 31st; if fees total \$21-\$299 per month, payment is due quarterly; and if fees total \$300 or more per month, payment is due monthly. Payment shall be made to Delta County via check no later than the last day of the month following the close of the preceding month/period.

Service suppliers shall also submit a report with each payment that details the total number of phone lines payment is remitted for and any fees deducted from the remittance, up to two percent (2%) as allowed by C.R.S. 29-11-103(6).

ADOPTED this 1st day of November, 2022.

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

By: _____
Commissioner Don Suppes, Chair

Commissioner Wendell Koontz, Vice Chair

ATTEST:

Commissioner Mike Lane, Member

Teri A. Stephenson
Delta County Clerk and Recorder



SHERIFF MARK L. TAYLOR

Undersheriff Quinn Archibeque

DeltaCounty.com/Sheriff

Monday, October 24, 2022

Delta County Detention Facility Population Count Report

Description	Total
Male Inmates (County Jail)	42
Female Inmates (County Jail)	10
Transgender Inmates (County Jail)	0
Male Inmates Department of Corrections (DOC)	6
Female Inmates Department of Corrections (DOC)	0
Transgender Inmates Department of Corrections (DOC)	0
Total	58

**Average Daily Inmate Population for the week of:
10/17/22 through 10/24/22 was 71.84.**

"Serving with Pride"

Fwd: Weekly work report

1 message

Robbie LeValley <rlevalley@deltacounty.com>
To: Teri Stephenson <tstephenson@deltacounty.com>

Fri, Oct 28, 2022 at 7:29 AM

----- Forwarded message -----

From: **Mark McMillan** <mmcmillan@deltacounty.com>

Date: Thu, Oct 27, 2022 at 6:03 PM

Subject: Weekly work report

To: Robbie LeValley <rlevalley@deltacounty.com>, Mike Lane <mlane@deltacounty.com>, Don Suppes <dsuppes@deltacounty.com>, Wendell Koontz <wkoontz@deltacounty.com>, John Allen <jallen@deltacounty.com>, Tim McCracken <tmccracken@deltacounty.com>, Dan Sickles <dsickles@deltacounty.com>

This week Dist 1 started work on the boat ramp project placing 3" road base, bladed some roads when the sun came out and installed some new Subdivision signs.

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Robbie Baird LeValley
Delta County Administrator
Phone (o) 970-874-2102

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Fwd: Weekly Report

1 message

Robbie LeValley <rlevalley@deltacounty.com>
To: Teri Stephenson <tstephenson@deltacounty.com>

Fri, Oct 28, 2022 at 9:47 AM

----- Forwarded message -----

From: **Dan Sickles** <dsickles@deltacounty.com>

Date: Fri, Oct 28, 2022 at 9:37 AM

Subject: Weekly Report

To: Michelle Baier <mbaier@deltacounty.com>, Gary Bardessona <gbardessona@deltacounty.com>, John Allen <jallen@deltacounty.com>, Mark McMillan <mmcmillan@deltacounty.com>, Chuck Stein <cstein@deltacounty.com>, Wendell Koontz <wkoontz@deltacounty.com>, Lindsay Mitchell <lmitchell@deltacounty.com>, Mike Lane <mlane@deltacounty.com>, Dan Sickles <dsickles@deltacounty.com>, District 4 Crusher <crusher@deltacounty.com>, Don Suppes <dsuppes@deltacounty.com>, Robbie LeValley <rlevalley@deltacounty.com>, Tim McCracken <tmccracken@deltacounty.com>

This week District 2 finished paint striping with District 3 help, graded and graveled some roads, and cleaned ditches. District 4 continues with equipment maintenance.

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