

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
August 13, 2019**

Commissioner M. Elizabeth Melton, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Timothy V. Corrigan, Commissioner Douglas B. Monger, and County Manager Tom Sullivan were also present. Those present recited the Pledge of Allegiance. Deanna Sanchez recorded the meeting and prepared the minutes. Deputy County Manager, Dan Weinheimer, was absent.

The details of this meeting can be found in the Board of County Commissioners (BCC) Regular Meeting Agenda and Packet for August 13, 2019 document in the Commissioners' Regular Tuesday Meetings Agendas and Packets section of the Routt County Website, along with the meeting audio.

**EN RE: WARRANTS**

Commissioner Monger moved to approve and authorize the Commissioners to sign the Warrants Sheets that included:

Accounts Payable Check- Cycle Date:	8/5-8/9	\$518,690.17
Accounts Payable Check: Manuals	8/5-8/9	\$
Accounts Payable Wires:	8/5-8/9	\$
Total:		\$518,690.17
Payroll Checks- Cycle Date:	8/5-8/9	\$
Payroll Checks- Manuals	8/5-8/9	\$
Payroll – IRS & State Income Tax	8/5-8/9	\$
Total:	8/5-8/9	\$
Total Disbursements Approved:	8/5/19-8/9/19	\$518,690.17

Commissioner Corrigan seconded.

**MOTION**

Commissioner Monger moved to table the accounts payable until later in the meeting.

Commissioner Corrigan seconded; the motion carried 3-0.

## **EN RE: ITEMS OF NOTE FROM PREVIOUS DAY'S WORK SESSION**

Commissioner Melton stated updates were received from the County Manager, Legal, Deputy County Manager, IT, Planning, Building, Environmental Health, and GFOA Draft Report.

## **EN RE: CONSENT AGENDA**

The following items were presented for consideration, approval, and signing on the consent agenda:

- A. Approval of County Commissioners' minutes: Regular Meeting of July 2 and July 9, 2019;
- B. Approval of and authorization for the Chair to sign a DHS IGA for a collaborative Regional Technician;
- C. Approval of the State Human Service electronic benefit transfer in the amount of \$135,513.75 through May 2019 and \$146,109.60 through June 2019;
- D. Approval of and authorization for the Chair to sign an Implementation Agreement of HSConnects with Arapahoe County;
- E. Approval of and authorization for the Chair to sign an IGA for Govprime with Arapahoe County;
- F. Approval of and authorization for the Chair to ratify YVHV Resolution 2019-049;
- G. Approval of and authorization for the Chair to sign a letter of support for Yampa Valley Trust's amended and restated conservation easement project on the Alpenglow Haymeadow on the Yampa river.

## **MOTION**

Commissioner Corrigan moved to pull consent item A and approve items B, C, D, E, F, and G.

Commissioner Monger seconded; the motion carried 3-0.

## **ITEM B**

Commissioner Melton noted the minutes for July 9, 2019 were not ready to be approved, so they should be tabled until a later date.

Commissioner Corrigan moved to approve the minutes for July 2, 2019 for item A and table the minutes for July 9, 2019 for item A.

Commissioner Monger seconded; the motion carried 3-0.

## **EN RE: PUBLIC COMMENT**

John Holloway, Pleasant Valley Management, was present.

Mr. Holloway stated his request for access by haying equipment to residential property at Catamount Ranch from County Road 18 rather than going through the subdivision for a strictly agricultural access. He added based on County Road and Bridge policy that allows one access point per lot, his request has been denied by Mike Mordi, County Public Works Assistant Director.

The Board, Mr. Sullivan, and Mr. Holloway discussed Mr. Holloway's request.

The Board and Mr. Sullivan stated that they will meet with the Public Works department to discuss this request further and they will get back to Mr. Holloway.

## **EN RE: WARRANTS**

Commissioner Monger moved to approve and authorize the Commissioners to sign the Warrants Sheets that included:

There was further discussion with the Board and Mr. Sullivan over the accounts payable.

### **MOTION**

Commissioner Monger moved to approve the August 5, 2019 Accounts Payable.

Commissioner Corrigan seconded; the motion carried 3-0.

## **EN RE: ECONOMIC DEVELOPMENT / JOHN BRISTOL**

Kara Stoller, Steamboat Springs Chamber; and Cole Hewitt, Steamboat Springs Economic Development Council; were also present.

### **UPDATE**

Mr. Bristol, Ms. Stoller, and Mr. Hewitt presented their Economic Development Update to the Board, including their 2020 budget proposal.

## **EN RE: HUMAN SERVICES UPDATE / KELLY KEITH**

Ms. Keith presented her Human Services update to the Board.

## **EN RE: BUILDING DEPARTMENT / TODD CARR**

### **2015 BUILDING CODE AMENDMENTS**

Mr. Carr stated his request for approval and authorization for the Chair to sign the 2015 Building Code Amendments. He added the Building Department has been working with the public, contractors, trade association, and professionals on these Amendments for the past year. The Amendment revisions are minor and are being made to remove outdated local amendments and update the 2015 Energy Code for compliance under the prescriptive method for exterior wall insulation. This change in the Energy Code will reduce design cost, construction cost, and labor cost, but will not have any adverse effects on insulation R-Values or energy compliance.

The Board and Mr. Carr discussed his request.

### **MOTION**

Commissioner Corrigan moved to approve and authorize the Chair to sign resolution 2019-052 a resolution amending the 2015 Building Codes.

Commissioner Monger seconded; the motion carried 3-0.

## **EN RE: PLANNING / CHAD PHILLIPS**

Mr. Goldich, Planning; Mary Anderson, James Berry, Susan Berry, Kenneth St. Louis, Marsha Sanford, Harry Kushniroff, and Rae Jean Sielen, Routt County land-owners; were also present.

### **SUBLETTE SUBDIVISION EXEMPTION FEE WAIVER REQUEST**

Mr. Goldich stated the landowners in the Sublette Subdivision are requesting that the application fee be waived for their Subdivision Exemption application. They are also requesting that the County survey their properties for this application. The County Planning department recommends the Board deny the request, because a benefit to the citizens of Routt County has not been shown to exist. Planning has identified exchanges of land that did not go through the County process since the adoption of Subdivision Regulations in 1972. The exchanges of land were done to help solve survey errors that originate from the late 1960's.

Ms. Sanford stated although the name "Sublette Subdivision" has commonly been used ever since the tract of fifteen 89- foot-wide lots was first parceled off in 1966 (prior to state and county subdivision regulations), the parcels have always been sold as tracts, with metes and bounds legal descriptions and with no reference in deeds to a named subdivision. Subsequently State and County subdivision regulations were created and took effect, but the property owners had thought and have been told that they had legal non-conforming properties. Over time some of these 89-foot-wide tracts have been combined into larger parcels, in effect creating 7 parcels

out of the original 15. There were mistakes made in the original survey and boundaries had to be adjusted starting in 1995. The property owners involved at the time acknowledged there was a problem. With the professional help of surveyors and attorneys, and at considerable expense, the previous property owners corrected the situation. The current property owners were unpleasantly surprised when they were being asked to go through the expensive process of creating an exempt subdivision to fix a possible problem that, until July 23, 2019, they did not know existed.

Ms. Sanford continued that two of their properties were successfully sold as recently as 2010 and 2013, one of which involved a mortgage. Now the planning department is requiring the property owner's compliance with a regulation that they were not requiring as recently as 2010 and 2013. The property owners were not aware of these regulations starting in 1995 when with professional assistance they made their boundary adjustments. The property owners request financial relief by the Commissioners in the waiving of the application fee of \$2,232.00 and the hourly rate charges of \$134.00 per hour, which will be imposed by the planning department in creating this new exempt subdivision. They also request that the Commissioners waive charges from the County Surveyor, since a resurvey of all our properties will be required as part of the exempt subdivision process. The property owners have also been told by the planning department that each property owner will be individually responsible for the cost a new Title Insurance policy at considerable expense to each of them.

Mr. St. Louis stated in the initial response to the query by the potential buyer, the lots couldn't be financed because of different factors. However, he did not have any problems with the title insurance, warranty, or deed with his lot previously.

Ms. Anderson stated from an outside perspective it looks like the attorneys and surveyors are partly to be blamed. However, the County's process seems to be beyond what local attorneys and surveyors know. This could be a flaw in the process. Do the property owners sue their attorneys and surveyors now, or is the County responsible?

Commissioner Corrigan asked Mr. Goldich if he is correct in his understanding that the property owners for the 5 lots in question have nothing preventing them from selling their property to another buyer, they just couldn't obtain a building permit in the future.

Mr. Goldich confirmed so.

Commissioner Monger stated destruction by fire could prevent them from building a new home as well.

Ms. Sanford stated the individual considering buying her lot is considering a variance due to the size of her lot, but the planning department will not allow a variance in this case.

Commissioner Monger asked Mr. Goldich if this case should not go to the Board of Adjustments.

Mr. Goldich stated the planning department would not accept an application on an illegal lot. It became illegal again when the new deeds were created.

Commissioner Corrigan stated he believes the fault in this situation goes to the title companies, lawyers, and surveyors. He is struggling to understand what the County did to create this situation.

Commissioner Monger stated he does not believe the County has responsibility in this matter. The County has to stick to their regulations. His suggestion was to waive the planning department fees and assist the residents in the best manner moving forward.

Commissioner Melton stated this is an unfortunate situation, but she does not believe there is a compelling case for public benefit that would justify a fee waiver.

Mr. Goldich stated the deeds that reference the forest service road do not reference any county road. He does not know what the status of the research for the right of way for County Road 64 is, but that could be used as justification for waiving the fees. The County could clear up the location and the title of the right of way for County Road 64, so it is clear the County does own the road.

Commissioner Corrigan clarified the ownership of CR64 is not at risk.

The Board discussed waiving a total of \$2,000. Commissioner Melton was opposed.

#### **MOTION**

Commissioner Corrigan moved to waive a total of \$2,000 for the application fee for the subdivision exemption, noting any cost above and beyond the \$2,000 will be paid by the applicants, and the County will not be providing the survey fee.

Commissioner Monger seconded; the motion carried 2-1.

#### **FEE IN LIEU FUNDS DISTRIBUTION**

Mr. Goldich stated his request for authorization of the distribution of \$182,162 to the RE-2 (Steamboat Springs) School District. The school district submitted a new letter detailing how the fees would benefit North Routt. These funds have been collected over the years to satisfy requirements in the subdivision regulations. They have been separated into specific accounts based on the area of the County the subdivision is located. RE-2's request was tabled so that more information could be provided showing how this money will benefit the Steamboat Lake area since this is where most of the funds have come from. Mr. Goldich stated the school district submitted a list of what the funds would be used for.

The Board discussed the fact that Steamboat School district complied with the Commissioner's previous requests for more detailed information on the funds distribution.

#### **MOTION**

Commissioner Monger moved to approve and authorize the fee-in-lieu funds distribution of \$182,162 to the RE- 2 (Steamboat Springs) School District.

Commissioner Monger seconded; the motion carried 3-0.

### **EN RE: PURCHASING / JULIE KENNEDY**

Ray DuBois, Public Works Director; Mike Mordi, Public Works Assistant Director; and Scott Cowman, Environmental Health Director; were also present.

### **WAIVER REQUEST ROCKFALL MITIGATION CR29**

Ms. Kennedy stated her request for consideration to waive the formal purchasing process and approve the award and authorization of the County Manager to electronically sign purchase order for Rockfall Mitigation to GeoStabilization, LLC (GSI) in the amount of \$112,072.50. The Rockslide on CR 29 occurred during the winter 2018. The Routt County Road & Bridge Assistant Director contacted GSI, Yenter & Co. and Midwest Rockfall, Inc. GSI met onsite May 21, 2018 and provided an estimate June 3, 2018. Yenter & Co. no longer provide this service, and Midwest did not respond. Contracting Services for Rock Mitigation are put out to bid by CDOT, and GSI is currently under contract with CDOT. GSI has provided an updated quote on July 22, 2019 and the timeline to complete this project in 2019.

Ms. Kennedy and the Board discussed her request.

### **MOTION**

Commissioner Monger moved to waive the formal purchasing process, approve of and authorize the Chair to sign the Notice of Award for this project and authorize the County Manager to electronically sign purchase order for Rockfall Mitigation to GeoStabilization LLC (GSI) in the amount of \$112,072.50, noting there will need to be a supplemental budget for this item at some point in time.

Commissioner Corrigan seconded; the motion carried 3-0.

### **RFQ YVRA FORWARD FOLDING WING PLOW FOR CAT 966 LOADER**

Ms. Kennedy stated her request for approval and authorization of the County Manager to electronically sign the Purchase Order to Myslik, Inc. for the purchase of (1) new model Gjerstad Forward Folding Wing Plow in the amount of \$55,000 to be used at Yampa Valley Regional Airport for snow removal on 2019's AIP-45 funded CAT 966 loader. The Airport Director budgeted \$500,000 for the purchase of snow removal equipment (a new loader and wing plow) in 2019. The loader was put out for bid by Mead & Hunt as part of the airport expansion project and awarded the purchase to Wagner Equipment for \$419,000 (this total price includes Mead &

Hunt engineers' cost of \$33,000). The loader requires this specific Gjerstad model forward folding wing plow that has a 6 to 8 week lead time for delivery FOB YVRA.

Ms. Kennedy and the Board discussed her request.

#### **MOTION**

Commissioner Corrigan moved to approve and authorize the County Manager to electronically sign the Purchase Order to Myslik, Inc. for the purchase of (1) new model Gjerstad Forward Folding Wing Plow in the amount of \$55,000 to be used at Yampa Valley Regional Airport for snow removal knowing that this may require some level of supplemental budget.

Commissioner Monger seconded; the motion carried 3-0.

#### **EN RE: ROUTT COUNTY WEED PROGRAM / GREG BROWN**

Todd Hagenbuch, Extensions; and Erick Knaus, County Attorney; were also present.

#### **LEAFY SPURGE: IRON SPRINGS RANCH**

Mr. Brown stated Routt County has adopted Resolution 2008-002, which sets forth weed control and enforcement processes. Routt County has also adopted the Routt County 13 Noxious Weeds informational pamphlet. Leafy Spurge (*Euphorbia esula*) has been identified as a noxious weed by Routt County as a weed requiring suppression or management. Leafy Spurge is also on the State of Colorado, Department of Agriculture, noxious weeds inventory appearing on List B. A Leafy Spurge infestation on the Iron Springs Ranch, owned and operated by Frank Stetson, was first identified and reported to the Routt County Weed Program (RCWP) in August, 2015. A weed control plan was developed and implemented during the 2016 growing season. Both aerial spraying and ground control practices were used in 2016 and 2017 to control the growth of Leafy Spurge on Iron Springs Ranch. No such management or control practices were performed in 2018 or 2019. New Leafy Spurge patches have been identified and reported on Iron Springs Ranch.

Mr. Hagenbuch stated he has made a visual inspection and has reason to believe that a Leafy Spurge infestation exists on the property. The weeds are visible from County Road 14 and a neighboring property. The public right of way does not contain any Leafy Spurge in the area of the Ranch. On August 2, 2019, RCWP sent a certified letter to Frank Stetson identifying the concerns related to the noxious weed infestation, providing information related to appropriate weed control practices, and requesting compliance with acceptable weed control practices. As of the date of this submittal, RCWP has not received any written information or correspondence from Mr. Stetson or his ranch. Mr. Brown did have a phone conversation with Mr. Stetson where Mr. Stetson made it clear that he does not intend to finance any further action to control the weed. RCWP has also been in contact with the Yampa Valley Land Trust (YVLT) which holds a conservation easement on the subject property. YVLT has confirmed that it is aware of the situation and will work with RWCP to address the weed infestation. RCWP has

contacted the Routt County Attorney's Office for assistance related to possible legal action if authorized by the Board. As an alternative to court intervention, a property owner may request arbitration pursuant to C.R.S. § 35-5.5-109.

Commissioner Melton asked Mr. Brown about the County's process for this situation and confirmed the County was following their procedures.

Mr. Knaus stated the County is following the process outlined in the resolution. However, each situation is different. This situation, given the weed being dealt with, puts the County on a slightly different course. The expectation is the property owner will submit a management plan. With the delay that has occurred thus far, the infestation is only going to get worse. The request is to authorize the County Attorney's office to take legal action because it is required.

Commissioner Melton stated she is concerned she hears that the County has mostly spoken with the weed sprayer opposed to Mr. Stetson. She would like more communication with Mr. Stetson before any legal action is taken.

Mr. Knaus stated the 10 days allowed to Mr. Stetson to respond to the County has not started. There will be due process that will take place.

Commissioner Melton stated it would be the landowner who is not in compliance and not the weed sprayer.

Mr. Hagenbuch stated the County has been in contact with the land-owner's daughter.

Commissioner Melton stated the daughter is not the property owner.

Mr. Brown, Mr. Hagenbuch, Mr. Knaus, and the Board discussed that the overall goal is for compliance of the County policy and not to take legal action.

Commissioner Corrigan asked Mr. Knaus if it would be wise to have Mr. Stetson sign the weed plan agreed upon for his property if possible.

Mr. Knaus confirmed so.

There was discussion of how the monitoring of the weeds should be done.

Mr. Knaus stated his preference is to have no time limitation on the weed plan.

The Board agreed with Mr. Knaus.

## **MOTION**

Commissioner Monger moved to authorize the County Attorney's Office to commence legal action to enforce Colorado state laws regarding noxious weed control and Routt County Resolution 2008-002.

Commissioner Corrigan seconded; the motion carried 3-0.

**COMMISSIONERS' WORK SESSION**

**GOVERNANCE POLICY**

The Board discussed revisions to the County Governance Policy.

**MOTION**

Commissioner Corrigan moved to table the Governance Policy until the Board of County Commissioners has finalized their edits.

Commissioner Monger seconded; the motion carried 3-0.

No further business coming before the Board, same adjourned sine die.

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Kim Bonner, Clerk and Recorder

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M. Elizabeth Melton, Chair

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Date