

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
November 12, 2019**

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

**EN RE: WARRANTS**

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

Accounts Payable Check- Cycle Date:	11/4-11/8	\$2,126,345.98
Accounts Payable Check: Manuals	-	\$
Accounts Payable Wires:	-	\$
<b>Total:</b>		<b>\$2,126,345.98</b>
Payroll Checks- Cycle Date:	11/4-11/8	\$
Payroll Checks- Manuals	-	\$
Payroll – IRS & State Income Tax	-	\$
<b>Total:</b>		<b>\$2,126,345.98</b>
<b>Total Disbursements Approved:</b>	<b>11/4/19-11/8/19</b>	<b>\$2,126,345.98</b>

Commissioner Corrigan seconded.

Mr. Sullivan advised of the 2019 Accounts Payable items of note for run date November 8, 2019.

Vendor	Amount	Department
Av-tech Electronics, Inc.	\$12,901.98	Sheriff – Patrol
Eaton Sales and Service, LLC	\$89,245.75	YVRA

Lewan & Associates Inc. dba Lewan Technology	\$5,206.25	IT – Administration
LEDS, LLC.	\$4,834.12	Clerk and Recorder – Elections
City of Steamboat Springs	\$11,892.51	Building Department
City of Steamboat Springs	\$135,201.14	Clerk and Recorder – Motor Vehicles
Oldcastle SW Group, Inc. (United)	\$23,814.93	PW – Gravel
Mead & Hunt. Inc.	\$32,916.26	YVRA
American Road Maintenance	\$137,896.56	YVRA
Criminal Addiction, Inc.	\$5,000	Sheriff – Detention

The motion carried 3-0.

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

Commissioner Melton stated the County offices were closed in honor of Veteran’s Day.

**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 September 10, 2019;
- B. Approval of and authorization to have the Chair sign a permit application and report of changes for Steamboat Ski & Resort Corp. DBA Stoker Bar for a retail warehouse storage permit;
- C. Approval to allow the County Manager to approve SAA invoice #160801.o6 in the amount of \$15,850.86 for construction administration and additional professional services at the new communications center located at the CLEF;
- D. Approval of and authorization to ratify the Chair's signature on a letter of support for the Pleasant Valley Enhancement Project;
- E. Approval of and authorization to sign the Town of Oak Creek division of land for public purpose plat.

**MOTION**

Commissioner Corrigan moved to approve items A, B, C, D, and E on the consent agenda and authorized the Chair to sign the related documents.

Commissioner Monger seconded; the motion carried 3-0.

#### **EN RE: PUBLIC COMMENT**

No members of the public were present for comment.

#### **EN RE: LEGAL / ERICK KNAUS**

Lynaia South, County Attorney, was also present.

#### **THE PURCHASE OF PROPERTY FROM TOWN OF OAK CREEK**

Ms. South stated the County previously entered a Contract to Buy/Sell property from the Town of Oak Creek. The property is approximately 8.66 acres adjacent to the existing District 3 County Road and Bridge Shop, for use in connection with the Road and Bridge Shop. Oak Creek will be purchasing a much larger parcel from G. Russell and E. Clay Garrity. The larger parcel will then be the subject of a subdivision exemption/division of land for public purpose with the 8.66 parcel being one of the resulting parcels.

Closing is scheduled for November 26, 2019. It is anticipated there will be numerous documents to be signed for closing to occur. Some of these documents may require finalization near or on the date of closing. Therefore, authorization is sought now for the Chair to sign these documents once the documents have been reviewed and approved by the County Attorney's office.

There is one correction from the communication form. The section that states, "At closing, we would also be completing a merger of title document to merge the newly purchased property with the current Road and Bridge Shop property" has changed. A plat note will be used and later a lot consolidation will need to be completed.

The closing is contingent on Oak Creek acquiring the property from the Garritys. The division of land for public purpose was administratively approved by the Planning Department, Project No. PL-18-122, although the plat is pending final approval and will be the subject of a separate agenda item for authorization of signature. It is contemplated that the closing between Oak Creek and the Garritys would occur simultaneously with the closing between Oak Creek and the County.

A Resolution authorizing the signatures, as opposed to a simple motion, is being utilized in order to conform to the requirements of the title company.

## **MOTION**

Commissioner Monger moved to approve and authorize the Chair to sign all documents necessary for closing upon the review and approval of those documents by the County Attorney's office for an 8.66-acre portion of the property known as the Garrity Property from the Town of Oak Creek, as well as approve and authorize resolution 2019-59 a resolution authorizing the acquisition of property adjacent to the District 3 Road and Bridge shop.

Commissioner Corrigan seconded; the motion carried 3-0.

After the meeting it was discovered that a resolution had already been assigned number 2019-59 and therefore the above resolution was reassigned number 2019-60.

## **EN RE: PURCHASE OF DEVELOPMENT RIGHTS (PDR) ADVISORY BOARD / CLAIRE SOLLARS**

Russ Garrity, Clay Garrity, property owners; Molly Fales, CCALT; Mary-Alice Page-Allen, PDR; Kendra Alfieri, County Commissioners' and Manager's Office Manager, and Lynaia South were also present.

### **PDR PROJECT 195: OAK CREEK MOUNTAIN PARK**

Ms. Sollars thanked all the individuals that made this project possible. The Routt County Purchase of Development Rights (PDR) Citizen's Advisory Board met on October 10, 2019, to review Tier II documents for Project #195 Oak Creek Mountain Park. The PDR Board recommends approval of Tier II funding in the amount of \$250,000.00, with \$200,000 going towards the purchase of the Conservation Easement, and up to \$50,000 for reimbursement of transaction costs.

Ms. Sollars stated the final Conservation Easement was valued at \$350,000. The PDR program will be contributing \$200,000 (57.14%) to the conservation easement purchase, the landowners will contribute \$100,000 (28.57%), and the balance of \$50,000 (14.29%) is coming from a variety of sources including the Gates Family Foundation, the Yampa Valley Community Foundation, the State of Colorado Department of Local Affairs, and the Town of Oak Creek. The PDR Board is pleased to see this project move towards completion and highly commends the landowners' dedication to planning for the future.

Ms. Page-Allen confirmed that the following conditions of the PDR Board will be met prior to closing the project:

- 1- Revised legal description in Exhibit A of the deed in order to exclude approximately 0.03 acres along the conservation parcel's eastern boundary (on the east side of CR 49Z), and a new survey.
- 2- A new Agreement Concerning Conservation Easement with YVLT LLC
- 3- Submission of itemization of transaction costs

The 140-acre property is located along County Road 27 (CR 27), just 1/3 of a mile from downtown Oak Creek and within walking distance of virtually anywhere in town. The property will provide dedicated public access to single-track trails for non-motorized recreational activities including hiking, biking, horseback riding, Nordic skiing, and watching wildlife, as well as educational opportunities for the South Routt School District (SoRoCo). Routt County Resolution 2005-072 – which amended Routt County Resolution 96-059 for the funding of a Routt County Purchase of Development Rights program with the following purpose stated for the 2005 Resolution: “shall Routt County taxes be increased up to \$1,250,000 annually to be used solely for the preservation of natural areas, including lands that preserve water quality, wildlife habitat, working ranches and scenic landscapes and vistas, from a 1.5 mill property tax levy . . . .” A conservation easement on Oak Creek Mountain Park would conserve its natural area features including wildlife habitat and a prominent scenic landscape visible from numerous public roads, thus meeting the stated purpose for use of PDR funds.

Commissioner Monger asked if there is a management plan.

Ms. Page-Allen confirmed so.

Ms. South noted the funding is pending until final approval of all documents by the County Attorney’s office.

#### **MOTION**

Commissioner Corrigan moved to approve the funding of PDR project 195- Oak Creek Mountain Park, in the total amount of \$250,000 of which up to \$50,000 may be used for reimbursement of transaction costs; and authorize the Chair to sign the Agreement Concerning Conservation Easement between Routt County and Colorado Cattlemen’s Ag Land Trust (CCALT).

Commissioner Monger seconded.

Ms. South suggested amending the motion to be pending final approval of all documents by the County Attorney’s Office.

Commissioner Corrigan stated he accepted that amendment to the original motion.

Commissioner Monger seconded.

Ms. Fales asked Ms. South if the agreement for the easement should be between Routt County and Yampa Valley Land Trust, LLC.

Ms. South confirmed so.

Commissioner Corrigan stated he accepts that amendment to the original motion.

Commissioner Monger seconded; the motion carried 3-0.

**EN RE: TREASURER / LANE IACOVETTO**

**SUPPLEMENTAL BUDGET REQUEST**

Ms. Iacovetto explained how the new software for the tax remittance processing would work. She explained that the supplemental budget request is for a scanner and software. This software would ensure the accuracy and proper documentation of the tax remittance process. She explained how tax remittance are being done manually currently. The current process takes a significant amount of time and allows a margin for error.

Commissioner Corrigan asked if there will be a need for an FTE to administer this software.

Ms. Iacovetto confirmed she would not need an FTE.

Commissioner Melton asked how the annual fee applied.

Ms. Iacovetto explained the software would not be fully implemented until 2020.

Mr. Weinheimer stated this is the classic example of priority based budgeting. It is looking ahead at the process as a whole to improve efficiency.

**MOTION**

Commissioner Monger moved to approve the supplemental budget request for the purchase of a tax remittance processing solution compatible with Tyler Eagle Treasurer with the total cost of \$27,397.

Commissioner Corrigan seconded; the motion carried 3-0.

**EN RE: PLANNING / CHAD PHILLIPS**

Alan Goldich, Planning and Erick Knaus, County Attorney were also present.

**LAND DEDICATION REQUIREMENTS; PL-19-102**

Commissioner Melton stated the purpose of this hearing is to discuss requirements for fees-in-lieu for land dedication and parks.

Mr. Goldich stated the purpose of this hearing is to discuss changes to Section 3.5.2 and 3.5.3 of the Subdivision Regulations. These two sections address land dedication and fees-in-lieu of dedication in proposed subdivisions. Land dedication standards are required by Colorado Revised Statute 30-28-133. It states that at a minimum, the subdivision regulations shall have

provisions for “sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof.” This discussion is not meant to address other services that are impacted by the proposed development. These will be addressed during future discussions.

The current regulations may not be consistent with C.R.S. 30-28-133, as this statute only addresses schools and parks. The County’s current regulations mention “fire stations or other necessary public facilities.” Dedication requirements must be roughly proportional to the impact created by the subdivision and must be backed up by a nexus study which quantifies the impact. This is lacking in the County’s current regulations. The intent of this initial discussion is to provide direction to staff on how to proceed with determining how the land dedication requirement is handled for a specific application where the statute requires such dedication, and then, if a fee-in-lieu of land dedication is determined most appropriate, how that fee is determined.

There are multiple options and factors that must be considered when it comes to settling on how the land dedication requirement is determined and what the fee-in-lieu of dedication is based upon. Those factors are listed in the hearing packet and contain the pros and cons for each factor. The packet also contains a discussion on Planning Staff’s preferred alternative. Following the discussion on the preferred option, the progression of how a decision would be made on an actual application is used to guide the conversation on the different factors involved.

The preferred option is that the County should determine the formula used to calculate the amount of land to be dedicated, and when determining the fee-in-lieu of dedication, the value of the land after subdivision approval with all of the infrastructure installed should be used.

## **ROUNDTABLE**

The Commissioners, Mr. Goldich, Mr. Phillips, and Mr. Knaus discussed the options for the land requirements. The Commissioners agreed that it would be appropriate for Planning staff to determine the dedicated land when required.

Mr. Goldich stated that if it is determined that the impacts on schools and parks must be offset, but the Board determined it is not feasible for land to be dedicated due to the small size of the development, a fee-in-lieu of land dedication is required . The next step is to determine the amount of the fee. Since statute requires the dedication of land, most local governments base the fee-in-lieu of dedication on the value of the land in the relevant subdivision. There are several factors that need to be taken into consideration when determining what the value of the land is, and therefore the resulting fee.

## **ROUNDTABLE**

The Commissioners, Mr. Goldich, Mr. Phillips, and Mr. Knaus discussed the options for the amount of the fee. The Commissioners agreed that the value, assuming a fee will be required, of the land will be based on platted and unimproved property.

Mr. Goldich stated that it will be necessary to determine who does the actual valuation. Most local governments he examined, require the applicant to provide an appraisal. Some other options for obtaining the value include:

1. The County and the applicant both obtaining an appraisal and the average of the two appraisals is used in determining the fee.
2. Use a documented purchase price of the land in question that is less than two years old.

### **ROUNDTABLE**

The Commissioners, Mr. Goldich, Mr. Phillips, and Mr. Knaus discussed the options for the party responsible for determining the value. The Commissioners agreed the value would be suggested by the applicant and agreed upon by Planning staff. If a value cannot be agreed upon, an appraisal would then be paid directly to the affected entity with notice to the County.

Mr. Goldich stated one last consideration that Planning Staff would like to bring to the Board's attention is the administration of the collected fees. There are three options associated with the administration of fees. They include:

1. The fee is paid directly to the affected entity.
2. The fee is collected by the County and distributed to the affected entity while collecting an administration fee.
3. The fee is collected by the County and distributed to the affected entity without collecting an administration fee.

### **ROUNDTABLE**

The Commissioners, Mr. Goldich, Mr. Phillips, and Mr. Knaus discussed the options for administration of the collected fees. The Commissioners agreed upon option one to pay the fee directly to the affected entity.

The Commissioners also directed Mr. Phillips to propose a methodology for dealing with small lot consolidations in the future.

### **EN RE: ENVIRONMENTAL HEALTH / SCOTT COWMAN**

Kari Ladrow, Public Health Director; and Sarah Jones, SSRC; was also present.

### **CLIMATE ACTION & RESILIENCY PLAN**

Mr. Cowman stated he met with Winnie DelliQuadri (City of Steamboat) preliminarily a few weeks ago and a Project Management Team was formed. An Oversight Team, sectors, and potential sector representatives were also established.



A grant application (DOLA Tech. Asst. Grant), along with a preliminary scope of work, is working its way through the County grant application approval process. The Commissioners will consider submittal of the grant on November 19<sup>th</sup>, 2019. Mr. Cowman is not sure how long DOLA takes to review a grant request but is hoping to release an RFP in December and hire a consultant in January. He would like to have a completed plan by the end of July to allow consideration of budgets to support action items in 2021. He has also submitted a request to the ski area this week for some additional funding assistance (\$10,000).

Mr. Cowman continued conversation with John Putnam (CDPHE) and was able to meet with him again at the end of October during the County's quarterly directors meeting. The Oversight team is also working with CMC (Sustainability Program students under Nathan Stewart) to assist with compiling useful information from completed plans. There are a couple of people in the community that Mr. Cowman is excited about who have expressed interest in the project from a technical assistance standpoint.

Commissioner Melton asked for clarification on the responsibilities of the team and sectors.

Mr. Cowman stated the Oversight Team is responsible for overseeing strategy planning, overseeing milestones, and working with the project management team.

Mr. Cowman discussed the scope changes for the Greenhouse Gases Plan.

Commissioner Melton expressed desire to be on the Oversight Team.

Mr. Cowman discussed the grant process that has been followed.

Mr. Cowman asked what the Commissioners would like from Greg Winkler, DOLA representative.

The Commissioners gave direction to the County Manager to call Mr. Winkler. They also gave direction to include a County Road and Bridge representative on the transportation team.

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