

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
March 14, 2017**

County Commissioner Timothy V. Corrigan, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Douglas B. Monger, Commissioner Cari Hermacinski, County Manager Tom Sullivan, and Deputy County Manager Dan Weinheimer were also present. Those present recited the Pledge of Allegiance. Tegan Anderson recorded the meeting and prepared the minutes.

**EN RE: WARRANTS**

**MOTION**

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

Accounts Payable Check- Cycle Date:	3/6-3/10	\$191,268.18
Accounts Payable Check: Manuals	3/6-3/10	\$52,935.78
Accounts Payable Wires:	3/6-3/10	\$204,837.45
Total:		\$449,041.41
Payroll Checks- Cycle Date:	3/6-3/10	\$540,407.01
Payroll Checks- Manuals	3/6-3/10	\$0.00
Total:		\$450,407.01
Total Disbursements Approved:	3/6-3/10	<u>\$899,448.42</u>

Commissioner Hermacinski seconded.

Mr. Sullivan advised of the following Accounts Payable Items:

Bear River Valley Co-op	\$13,894.89	Road & Bridge - District 2 Diesel
Callie Donaldson DBA Just Like Home	\$912.00	Human Services - Early Childhood Ed. Training Scholarship
JDW Inc.	\$9,212.15	Building & Plant / Fairgrounds - Labor, exhibit hall HVAC

The motion carried 3-0.

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

Commissioner Corrigan stated that the Board met with the County Manager, County Attorney, Building and Plant Director, and the Human Services Director to hear updates.

### **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 February 7, 2017;
- B. Approval of and authorization for electronic signature to submit Routt County United Way Grant Application in the amount of \$101,000 for Routt County as fiscal agent for Routt County Early Childhood Council.
- C. Approval of and authorization for the Chair to sign the SFM Consulting, LLC Proposal to provide strategic facilitation and technical assistance in the amount of \$6,000 to support capacity building for Routt County Early Childhood Council.
- D. Approval of the State Human Service Electronic Benefit Transfer in the amount of \$182,966.64 through January 2017.
- E. Approval of and authorization to appoint Sheila Henderson to the Yampa Valley Housing Authority Board representing the C Area with a term starting March 14, 2017 and ending December 31, 2020.
- F. Approval of and authorization to ratify the Chair's signature on a Wireless Crossing Agreement between Union Pacific Railroad Company (UPR) and Routt County at mile post 192.04, Craig Subdivision in Steamboat Springs related to the Broadband Fiber Optic Project.
- G. Approval of and authorization to ratify the Chair's signature on a Wireless Crossing Agreement between Union Pacific Railroad Company (UPR) and Routt County at mile post 191.16, Craig Subdivision in Steamboat Springs.

### **MOTION**

Commissioner Monger moved to approve items A, B, C, D, E, F, and G on the consent agenda and authorize the Chair to sign the related documents.

Commissioner Corrigan seconded; the motion carried 3-0.

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

No members of the public were present for comment.

### **EN RE: HUMAN RESOURCES / CHRIS HENSEN**

Janet Hruby, Road and Bridge Director, was also present.

#### **NEW EMPLOYEE STEP INCREASE**

Ms. Hensen stated that this is the request to approve Cody Frautschy to advance from a Step 3 to a Step 4 of the Heavy Equipment Mechanic pay scale upon completion of a successful six month performance review and confirmation that he obtained his CDL and Underground Storage Tank Operator A Certification. He was approved to be hired by the Deputy County Manager at a Step 3 already. Mr. Frautschy has 15 years of experience as well as many certifications relevant to this position. Ms. Hruby added that the system of giving a step increase at the six month review period has worked well for employees in Road and Bridge. It gives a chance for the employee to obtain those necessary certifications and demonstrate their work abilities because it is difficult to test for abilities beforehand.

Commissioner Hermacinski asked if there is a reason why he has had so many short term job positions. Ms. Hruby responded that he has circumstances that caused him to leave those different employers. Ms. Hruby added that he has been at Twin Enviro for a while which is a good indication that he is capable of working as a heavy equipment mechanic.

#### **MOTION**

Commissioner Monger moved to approve Cody Frautschy to advance from a Step 3 to a Step 4 of the Heavy Equipment Mechanic pay scale upon completion of a successful six month performance review and confirmation that he obtained his CDL and Underground Storage Tank Operator A Certification.

Commissioner Hermacinski seconded.

Under discussion, Commissioner Monger asked when this employee will advance to a Step 5. Ms. Hensen responded that his date of measure is the same as his date of anniversary. Therefore, he will advance to a Step 5 on his anniversary of hire if he successfully receives the six month step increase.

The motion carried 3-0.

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

Erick Knaus and Lynaia South, County Attorney's Office; Alan Goldich, Planning; Bob Weiss, Weiss and Van Scoyk, LLP; Jeff Lake, Civil Design Consultants; and Peter Patten,

Patten Associates Inc.; were also present. Bill Friesell, Fox Grove Subdivision applicant, was present via telephone.

### **G-5 RANCH CONSERVATION EASEMENT AMENDMENT**

Ms. South stated that the G-5 Ranch was placed in a conservation easement in 2009. PDR funds were used to complete that conservation easement therefore County approval is required to make any amendments to that conservation easement. The amendment being sought will allow the property to be subdivided then it is contemplated that the Town of Yampa will purchase a portion of that property where their infiltration gallery sits. The conservation easement will remain on the subdivided property but its terms are amended to lessen the impacts on the Town of Yampa as it operates its infiltration gallery. If this portion of the property is ever not used for the purpose of the infiltration gallery then it will return to the original terms of the conservation easement. Ms. South reviewed the prepared language for the amendment and there were no problems with it although it is her understanding that they plan on closing today. Language was added which requires review by the County Attorney's Office only if tweaks to the language is needed.

Commissioner Monger clarified that this is only for the infiltration gallery and that no buildings will be added. Only a change in ownership will be occurring. Ms. South responded this site is already being used as the infiltration gallery and there is an easement that allows the Town of Yampa use it.

Commissioner Monger clarified that operation of the infiltration gallery was included in the original conservation easement. Ms. South responded that is correct.

Mr. Weiss stated that he is the Attorney for the Town of Yampa. He stated that this infiltration gallery has been in place for many years but there were some issues with the rancher over grazing near the infiltration system. The Town of Yampa would have preferred to acquire this free of the conservation easement but it was a compromise to amend the conservation easement. He wants to clarify that this amendment will allow for any water system purpose. He doesn't believe there are any surface improvements necessary but it could allow for it in the future if it is water system related. Commissioner Corrigan asked if the Town will fence out the cows. Mr. Weiss responded yes and that the Town is obligated to fence out the cows and there is a ten foot offset that the cows can graze along the side of it.

### **MOTION**

Commissioner Hermacinski moved to approve the second amendment to the G-Five Conservation Easement and authorization for the Chair to sign a letter acknowledging the approval. If there are any changes to the second amendment, the changes must be approved by the County Attorney.

Commissioner Corrigan seconded; the motion carried 3-0.

### **YAMPA WATER INFILTRATION GALLERY FINAL PLAT; PS2015-004**

Mr. Goldich stated that he is requesting authorization for the Chair to sign the final plat.

## **MOTION**

Commissioner Hermacinski moved to approve the final plat once all the necessary signatures have been obtained.

Commissioner Monger seconded; the motion carried 3-0.

## **FRISELL (FOX GROVE) PRELIMINARY SUBDIVISION**

Mr. Goldich stated that this application was heard by the Board on February 14, 2017 and at the end of that hearing the applicant made a proposal to dedicate land to satisfy the public land dedication. The proposal is for a 0.29 acre site that equals 5% of the land area of the project. It would have a five foot wide soft surface trail that connects the two entrances of the subdivision. The land will be owned by the Homeowners Association and an easement over the site will be dedicated to the public. Mr. Goldich stated that staff cannot support this proposal for multiple reasons. The regulations require “the dedication of land....for public sites such as schools, fire stations, or other necessary public facilities.” This is not being proposed, the Homeowners Association is to retain ownership of the land and only a public easement is to be dedicated. Staff also concludes that this trail does not constitute a “necessary public facility.” The applicant’s narrative, from both the Sketch and Preliminary application, requested a waiver of the public site dedication based on the small size of the subdivision, the lack of public parks/spaces in the neighborhood; thus no opportunity to connect with or add to existing public area, and lack of any practical opportunity for a useable public facility or site on the property. Through the Sketch and Preliminary review process, staff has agreed with the applicant’s assessment that dedication of a public site is not feasible and this opinion remains the unchanged. The applicant states that dedication of an easement and retaining ownership of this parcel is allowed by section 3.5.3.A.1. The title of this section is ‘Conveyance’. This section only lays out the method of how the open space parcels and the public sites are to be conveyed to the appropriate entity that will be taking ownership of these parcels.

Mr. Goldich stated that staff formulated a calculation of what they consider to be an acceptable fee in lieu. Staff’s research has led to the following methodology and fee-in-lieu amount: Based on information provided by the City of Steamboat Springs Parks and Rec Director and the RE-2 School District Facilities Director, the land needed for parks and schools is 0.072 acres per dwelling. Based on the Fox Grove Subdivision proposal, the approval would generate five new dwellings as one buildable lot exists. The formula for the fee-in-lieu staff is using is:  $0.072$  (land for parks and schools per dwelling)  $\times$   $5$  (number of new lots generated) =  $0.36$  (acres needed per Fox Grove project).  $0.36 \times$  (Land Value per acre) = total fee-in-lieu. There is some disagreement between staff and the applicant regarding the land value to be used to determine the fee-in-lieu. Some of the per acre average values discussed are \$66,494 – Land from the list/map removing the three commercial potential parcels with US 40 proximity and \$104,212 – Land from the list/map removing high and low values. Using the formula shown above ( $0.36 \times$  land value per acre), the corresponding fees-in-lieu for the values shown above are either \$23,937 or \$37,516. While arguments can be made for supporting each of the values, it is staff’s goal to support the number that most closely reflects the average land value in the

area where there is a “projected need generated by the subdivision.” It is staff’s recommendation that the Board use the figure of \$23,937 total fee-in-lieu. This number takes a sample range of vacant land values from the Steamboat Springs areas and removes high-dollar commercial development sites. This option does not reflect overall vacant real estate land values or the value of the project in question, but reflects a focus on applicable land when applying the criteria in Subdivision Regulations Section 3.5.3.B.1-4.

Mr. Weiss stated that the applicant does not object to the option recommended by staff. If the Board is supportive of the higher amount then he would like to make a presentation.

Commissioner Hermacinski asked how City of Steamboat Springs and the Parks and Rec Director came up with the 0.072 acre figure. Mr. Phillips responded that DOLA has a Small Community Park Assessment figure that is almost identical to the figure provided by the City. It is calculated as how much park land is needed per population. Commissioner Hermacinski added that 0.072 acre is half the size of a typical old town lot therefore for two houses built there would need to be another half of a lot set aside for schools and parks which seems like it would generate a lot of land.

Commissioner Monger stated that he is comfortable with the figure of \$23,494. Commissioner Corrigan stated that it feels slightly low to him but he is comfortable with the amount.

Commissioner Monger stated that he is not in favor of the public land dedication because it is essentially a road to nowhere and not truly a dedication. The waiver has no support whatsoever and he is in support of a moratorium until the Subdivision Regulations get straightened out. These regulations have not been used much but the process that happened was not what was originally planned for them. Commissioner Monger added that he thinks Mr. Friesell got a hell of a good deal and he is frankly upset about the assertion that this subdivision will not have impacts. The County’s process was also at blame as it was totally flawed and before any other applications come through, the regulations need to be looked at. Commission Monger noted that he is not against growth, but it needs to pay for its own way including the community services and County services.

Mr. Weiss added that he and the applicant are happy with the outcome.

Mr. Phillips clarified, by agreeing to the option, that means that applicant does not want to exercise the step under section 3.5.3.C to perform the study. Mr. Weiss responded that they are not objecting to the recommended option.

## **MOTION**

Commissioner Monger moved to approve the proposal of the fee-in-lieu of Public Sites land dedication therefore granting final approval of the Fox Grove Subdivision. This approval is subject to the following:

Findings of Fact:

1. That the fee-in-lieu of Public Sites dedication is in compliance with Sections 3.5.3 of the Routt County Subdivision Regulations.

Conditions of Approval:

1. All of the conditions of approval for the Fox Grove Preliminary Subdivision Plan approved by the Board on January 17, 2017 shall continue to apply.
2. The fee-in-lieu total is \$23,937, or \$4,787.40 per lot. The fee is based on the addition of five lots. There is no fee associated with one of the six total lots.
3. The fee-in-lieu amount of \$23,937 shall be paid to the County prior to the recording of the Final Plat. If the Final Plat is to be recorded in two filings, the amount of fee-in-lieu shall be for the amount of lots to be recorded for that filing.

Under discussion, Commissioner Corrigan commented that he commends staff for the effort that they put in on this project. It is also apparent that this process is not as clear as it should be therefore he is in support of a moratorium on this activity to look into this in the future.

Commissioner Hermacinski seconded; the motion carried 3-0.

### **EN RE: PURCHASING / TIM WINTER**

Amber Delay, Purchasing, and Geovanny Romero, Road and Bridge, were present.

### **RFP 545 TRACK HOE**

Ms. Delay stated that she is present to request the approval of the purchase and authorize the Chair to sign the Purchase Order for one new excavator track hoe for the Road and Bridge Department to Riverbend in the amount of \$191,897. Ms. Hamilton went out for proposal to 11 suppliers of which 6 responded. There were some specifics that were being asked for in regards to warranty and loan program in case equipment needed to be repaired. Road and Bridge employees went onsite to test both the Volvo and the Link-Belt track hoes. The Link-Belt was the piece of equipment that those employees recommended because it felt more stable than the Volvo.

Commissioner Hermacinski asked if they tested the Kobelco track hoe. Mr. Romero responded that they did not based on research that indicated that the resale value, parts and service are not as cost effective as the other options.

Commissioner Monger asked where Riverbend is located. Mr. Romero responded in Grand Junction.

Commissioner Monger asked what the spec is on this. Mr. Romero responded that the specs are based on horse power and lifting capacity. Each of the responding suppliers priced equipment with the same specs.

### **MOTION**

Commissioner Hermacinski moved to approve the purchase and authorize the Chair to sign the Purchase Order for one new excavator track hoe for the Road and Bridge Department to Riverbend in the amount of \$191,897 coming from the Road and Bridge Capitol fund.

Commissioner Monger seconded; the motion carried 2-0.

## **RFQ 549 FORKS D2**

Ms. Delay stated that this item is to request the consideration to approve the purchase and authorize the Chair to sign the purchase order for one new set of heavy duty construction forks for the Road and Bridge District 2 Shop located in Hayden to Power Equipment Company in the amount of \$14,495. A request for quotes was sent out to 11 suppliers and 3 suppliers responded. Power Equipment Company was the low bidder. Mr. Romero added that this is for the big bucket loader construction forks to pick up culverts.

### **MOTION**

Commissioner Monger moved to approve the purchase and authorize the Chair to sign the purchase order for one new set of heavy duty construction forks for the Road and Bridge District 2 Shop located in Hayden to Power Equipment Company in the amount of \$14,495.

Commissioner Hermacinski seconded; the motion carried 3-0.

## **RFQ 562 AIR COMPRESSOR**

Ms. Delay stated that this item is the consideration to approve the purchase and authorize the Chair to sign a purchase order for one industrial air compressor for the Road and Bridge Department District 3 Shop located in Steamboat Springs to NAPA Auto Parts in the amount of \$6,397.93. This was a request for quote that was sent out to three suppliers and NAPA was the low cost responder.

Mr. Romero added that the need for a new compressor was related to safety because the current one is in poor condition.

### **MOTION**

Commissioner Hermacinski moved to approve the purchase and authorize the Chair to sign a purchase order for one industrial air compressor for the Road and Bridge Department District 3 Shop located in Steamboat Springs to NAPA Auto Parts in the amount of \$6,397.93.

Commissioner Monger seconded; the motion carried 2-0.

## **EN RE: PLANNING COMMISSION AND BOARD OF ADJUSTMENT INTERVIEWS**

No recording or minutes were produced for this item.



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

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Kim Bonner, Clerk and Recorder

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Timothy V. Corrigan, Chair

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Date