

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
March 5, 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, County Manager Tom Sullivan and Deputy County Manager Dan Weinheimer were also present. Those present recited the Pledge of Allegiance. Sarah Janopoulo 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:	2/25-3/1	\$543,650.05
Accounts Payable Check: Manuals	2/25-3/1	\$
Accounts Payable Wires:	2/25-3/1	\$
Total:		\$543,650.05
Payroll Checks- Cycle Date:	2/25-3/1	\$536,457.92
Payroll Checks- Manuals	2/25-3/1	\$
Payroll – IRS & State Income Tax	2/25-3/1	\$217,647.27
Total:		\$754,105.19
Total Disbursements Approved:	2/25-3/1	<u>\$1,297,755.24</u>

Commissioner Corrigan seconded.

Mr. Sullivan originally advised of the Accounts Payable items of note, however pulled it during the March 12, 2019 hearing as it was intended to be reported on Tuesday, March 19, 2019.

The motion carried 3-0.

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

Commissioner Melton stated updates were received from the Legal department, Human Resources, Emergency Management and Communications, the Sheriff's Office, the Deputy County Manager and Purchasing.

## **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 5, 2019;
- B. Approval to ratify the Chair's signature on the 2019 Technical Assistance Grant between Routt County and AGNC for the Fairgrounds entrance renovation.

## **MOTION**

Commissioner Corrigan moved to approve items A and B 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**

Michelle Petix, Executive Director of Partners in Routt County was present.

Ms. Petix expressed her gratitude towards the Commissioners for the many years of service and support to not only the community, but the non-profit organizations as well.

## **EN RE: PUBLIC WORKS / RAY DUBOIS**

Mike Mordi, Assistant Public Works Director; Sheriff Garret Wiggins; Tara Umphries, Hahn's Peak District Ranger, US Forest Service; Ben Beall, President of Strawberry Park HOA; and Derek Maiolo, Steamboat Pilot and Today were also present.

## **DRY LAKE RECREATION TRAFFIC PARKING ON COUNTY ROAD 38A**

Mr. DuBois explained the current concern regarding parking on County Road (CR) 38 due to the Dry Lake area growing in popularity. He shared recent photos and concerns with local residents during Presidents Day weekend with recreation traffic spilling onto CR 38A.

Mr. Beall noted that this concern has been going on for many years and would like to find a solution for future parking concerns. He added that the use of snowmobiles on CR 38 has always been a problem, however parking on the road is legal.

Sheriff Wiggins stated that it is not illegal to park on the right-of-way unless someone is hindering or blocking traffic. He added that the Sheriff's office can issue citations for illegal use of a county road, which includes riding a snowmobile up a county road. Sheriff Wiggins suggested the addition of clear signage stating that it is illegal to use CR 38 as access to the National Forest and would be strictly enforced, however he didn't feel "No Parking" signs would do much.

Mr. Beall discussed the past idea of perhaps improving the parking lot in the Dry Lake area and also voiced his concerns of plowing and maintenance on the gravel roads. Commissioner Monger noted the problem of people driving all the way up to the parking lot before finding out it is full.

Ms. Umphries discussed the re-engineering of the parking lot with the hopes of implementation in 2020, and while it doesn't necessarily increase the capacity of the lot it does make it more functional for people to get in and out. She added that with the volunteers and seasonal staff, they are able to issue warnings and citations with other infractions, however they aren't able to do so every day.

Commissioner Melton asked how frequently these issues are occurring. Mr. Beall stated that during the summer months the parking is manageable. Commissioner Monger and Mr. Mordi noted that during the winter it's a bigger concern as the Dry Lake area is packed most weekends.

Commissioner Melton asked about getting stuck on the road and if there are any regulations regarding the matter. Mr. Mordi stated that there is a big sign just before CR 38A stating the Colorado revised statute which refers to the need for proper equipment in order to continue on the road. He added that a motorist can be ticketed up to \$500 for causing an accident due to lack of proper equipment.

There was discussion about Colorado laws regarding driving snowmobiles on maintained versus non-maintained county roads. Commissioner Corrigan questioned the rules of blocking a road and what constitutes as blocking in order to be ticketed. Sheriff Wiggins stated that if a vehicle is blocking the flow of traffic they can be cited for that, however as long as there is one lane that can allow for the flow of traffic, there most likely won't be any citations.

Commissioner Corrigan asked Ms. Umphries about making the Dry Lake area a fee site. She stated that there have been a few discussions but hasn't gone anywhere and noted that there is a level of maintenance that goes along with having a fee site, such as having a handful of facilities and going through a committee to have a fee site approved.

Mr. DuBois suggested a permit system which would allow only a certain number of people up CR 38A each day. Commissioner Monger noted that a permit system would have to be facilitated and monitored. Ms. Umphries added that people don't usually seem hindered by monetary infringements, whether it is a ticket or a fee. Mr. DuBois added that he feels that the fee might deter the locals before deterring the visitors.

There was discussion between the Commissioners regarding adding signage to CR 38A and enforcing fines for snowmobiling on maintained roads. Commissioner Monger stated that he wants the public lands to be used as such but does not want to infringe on the residents that live in the area.

### **EN RE: NW OIL AND GAS BLM LEASE WATCH / RODGER STEEN**

Rodger Steen, Diane Miller and Sarah Jones, Northwest Colorado Oil and Gas Watch; Catherine Carson, citizen; Joann Baker Paul, Moffat County Democrats and Oil and Gas Watch; Harry Thompson, Citizens Supporting Property Rights (CSPR); and Derek Maiolo, Steamboat Pilot and Today were also present.

Commissioner Monger asked if they are a registered 501(c) (3). Mr. Steen stated they are a group of four individuals and noted that this presentation is not about senate bill 184. He discussed the Federal process of leasing oil and gas in Northwest Colorado and noted the leasing trends in Routt County over the last 20 years. Mr. Steen stated that the purpose of their group is to monitor and assess BLM oil and gas lease sales in order to understand potential impacts of development. He continued to discuss BLM's leasing policies and the process of reviewing these leases.

Commissioner Monger expressed his concern with Mr. Steen's presentation regarding public versus private land leasing.

Mr. Steen continued to discuss the relative production of oil barrels per year across the four counties listed in the presentation and noted that Jackson County is increasing slightly every year. He pointed out the current leases in Routt County in 2016 and 2018. Commissioner Melton asked Mr. Steen to define what it means that there are leases in the noted areas. Mr. Steen stated that the BLM is the administrator of the public oil and gas resource across the country in all Federal lands and every six months go out to the oil and gas companies and ask what the companies would like to lease from the group of resources that are available. Commissioner Melton asked if all the leases presented were on public land. It was clarified that BLM sub surfaced minerals that are owned by the Federal government may be underneath private land. Mr. Steen noted that there are very few leases in Routt County at this time.

Commissioner Corrigan asked how long a lease is valid once the property has been leased. Mr. Steen stated that the lease is valid for ten years unless it is unitized or proven to be productive, which can carry on indefinitely. Commissioner Corrigan asked about the on-going, annual payment that needs to be made to keep leases active. Mr. Steen stated he believes the cost is \$2 per acre. Commissioner Monger added that there is usually a bonus payment up front and Colorado gets 50% of whatever the leases add up to, and the 50% is split between the State and the County whether or not the companies drill on the land.

### **PUBLIC COMMENT**

Ms. Carson introduced herself and stated that she applauds the group that has brought BLM process to light and encourages the Commissioners to research and identify any opportunities to either support or oppose the BLM and be a voice for the community regarding such matter.

Mr. Thompson introduced himself and expressed his concern with the NW Oil and Gas Watch group for impeding on the Commissioners and feels that the group shouldn't steer the community in a certain direction.

## **EN RE: ANNUAL STEWARDSHIP REPORTS / HELENA TAYLOR**

Megan Knott, Director of Colorado Cattlemen's Agricultural Land Trust Stewardship; Jenny Carey, City of Steamboat Springs, Parks and Recreation; and Ryan Gelling, Yampa Valley Land Trust Conservation Associate were also present.

Ms. Taylor stated that per the Terms & Conditions, paragraph 1 of the Agreement Concerning Conservation Easement entered by the land trust or entity as the holder of qualified conservation easements and Routt County, the easement holder must monitor compliance with the easement by the owners and by any occupants of the conserved property. Representatives of the easement holder are required to visit and inspect the conserved property at least once a year and file with the Board a written report of compliance. She noted that representatives from Rocky Mountain Elk Foundation and The Nature Conservancy were unable to participate at the March 5, 2019 meeting.

## **COLORADO CATTLEMEN'S AG LAND TRUST**

Ms. Knott stated that there are 27 conservation easements from 2018, and noted that there will be two additional conservation easements on the list next year. She stated that there are no concerns or conservation easement violations to mention. Ms. Knott mentioned the drought concerns for the previous year and the work on water due diligence.

Ms. Knott explained the conservation easement process through the PDR program and noted that one of the items of due diligence required is a baseline which is a report on what the property looks like now. She added that each year they are required to check that property in relation to the baseline to see what has changed and if it's in accordance with the conservation easement. Ms. Knott stated that if it is not in accordance with the conservation easement, which is known as a violation, they are required to notify the Board of County Commissioners per the terms of the easement. She added that once the violation is identified it is resolved. In addition to violations, Ms. Knott stated that there are always a bunch of stewardship issues that they keep an eye on to ensure those issues don't become violations in the future. She continued to explain the monitoring reports and the process they go through with the land owners when they interview the land owners.

Commissioner Corrigan expressed his gratitude with the work Colorado Cattlemen's Land Trust has done with the conservation easements. Ms. Knott noted that there are 32,000 acres in the County that are part of conservation easements.

There was discussion between Commissioner Monger and Ms. Knott regarding a property on the Colorado Cattlemen's Land Trust list and whether or not they had a building permit for a cabin on the property.

Commissioner Corrigan asked how many other properties have been conserved not using PDR funds. Ms. Knott stated that there were approximately 11 additional properties within Routt County that are not currently funded by the PDR program.

#### **CITY OF STEAMBOAT SPRINGS**

Ms. Carey stated that the Lafarge property is the only conservation easement property on their list and there are no concerns or violations at this time.

#### **ROCKY MOUNTAIN ELK FOUNDATION**

Ms. Taylor stated that the Rocky Mountain Elk Foundation did not mention any news worthy items for either the Wolf Mountain or the Thorpe Mountain conservation easements.

#### **THE NATURE CONSERVANCY**

Ms. Taylor stated that Mr. Geoff Blakeslee had no items of note in his report other than the fact that last year was a dry year and everyone adjusted accordingly. She noted that the T & T Land & Cattle Co. property had been up for sale at one time and the sale fell through and is now back on the market for sale.

#### **YAMPA VALLEY LAND TRUST**

Mr. Gelling stated that Yampa Valley Land Trust has incorporated a flight into their monitoring this past year. He continued to discuss the non-profit known as Light Hawk who puts Yampa Valley Land Trust in the air at no cost. Mr. Gelling noted that the State Legislation requires them to visit properties on foot once every five years if incorporating a flight into their monitoring plan.

Mr. Gelling discussed their biggest issue from 2018 that occurred on the Fulton Ranch regarding a lessee using the property for hunting and dozing an area that wasn't supposed to be dozed. Mr. Gelling noted that the property owner is aware of the issue and plans to reclaim the area. There was discussion between the Commissioners and Mr. Gelling regarding the Iron Springs property and the concerns with the leafy spurge problem in the past. Mr. Gelling noted that the property owner's daughter has taken a lead on keeping on top of the property.

There was discussion regarding the Trull/LaSalle Cattle ranch that is currently for sale and has been transferred over to the Colorado Cattlemen's Land Trust. Mr. Gelling noted that the Weible property is also for sale with the owner wanting to sell 50% interest in the entity that owns the property. He stated that the easement allows for different ownership structures, however a property can't be subdivided. Mr. Gelling expressed Yampa Valley Land Trust's concern with the commercial operation of a cheese dairy and their desire for keeping it under control. There was discussion regarding the conservation easement specifics in regards to

operating a commercial business and the requirements for using what is largely grown on the property for the operation.

Commissioner Corrigan discussed the concerns of monitoring conservation easements in perpetuity. He continued by stating the concept is that each one of the organizations has an endowment fund that theoretically will provide the resources necessary to continue to monitor the easements in perpetuity. Mr. Gelling stated that the Yampa Valley Land Trust collects a stewardship fee of \$20,000 and there is also a legal defense insurance fee of \$4,500. He added that the idea of the stewardship fee is that the return on investment is used to monitor the property and the \$4,500 is a newer fee that generates interest and is used to pay the insurance premiums should legal needs arise. Mr. Gelling noted that certain properties with a smaller endowment fund could potentially go bankrupt without the legal defense insurance.

Commissioner Corrigan asked if Yampa Valley Land Trust currently has an Executive Director. Mr. Gelling stated that no they do not, as it is himself and another co-worker fulfilling that position on an interim basis. It was noted that there are currently six members on the Board.

There was a discussion between Commissioner Melton and Mr. Gelling regarding the conservation follow up process.

Commissioner Corrigan asked about the easements that are not part of the PDR program and not necessarily in Routt County. Mr. Gelling noted that there is about 20 to 30,000 acres in Rio Blanco County that are part of Yampa Valley Land Trust's conservation easement. He added that there are six new properties that are in the works, all of which are in Routt County.

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

John Ayer and Dean Rossi, PDR Board Members and Helena Taylor, Staff Assistant to the PDR Board, were also present.

### **ANNUAL REPORT PRESENTATION**

Ms. Sollars noted that in 2018 the PDR Board funded three projects which included The Knott Place, High Country Lamb and Flanders Ranch. She stated that the three projects were funded in the amount of \$1,650,000 with an additional \$50,000 in transaction costs being reimbursed. Ms. Sollars added that approximately 50,000 acres have been conserved to date since the program started in 1997, with 3,752.84 acres being conserved in 2018.

Ms. Sollars stated that Colorado Parks and Wildlife (CPW) is working with the Flanders Ranch to provide an access agreement across the property to the river. She added that CPW will manage the Flanders Ranch in combination with their other lands. Ms. Sollars noted by using PDR funds to leverage funding from other agencies, the cost to the County for preserving these lands have to date averaged only \$502 per acre.

There was discussion between the Commissioners and Ms. Sollars about the PDR program being renewed for 20 years in 2006, which will sunset in 2026 and adding the program to a future ballot to be voted on once again. Ms. Sollars stated that the goal of the PDR Board is to fund projects that deserve to be funded and every year the Board has been fortunate to receive projects that were fundable, therefore not building up reserves. There was further discussion between Commissioners Monger and Corrigan and Ms. Sollars about grant requests in the past. Ms. Sollars noted that there have only been a couple of years where the PDR was able to fully fund projects that deserved it.

Commissioner Melton asked how the PDR Board is appointed. Ms. Taylor stated that the Board of County Commissioners appoint the PDR Board members with staggered terms of four and six years. Ms. Sollars noted that she and Mr. Carl Vail have been Board members since its inception in 1995. Mr. Ayer stated that he is the newest member of the Board, however he will be relocating to Oregon in the next month and will no longer be on the Board. There was discussion on re-appointing Mr. Ayer's position once he leaves.

Commissioner Corrigan asked if the map in the agenda packet was close to accurate. Ms. Taylor stated that while a few properties may not be reflected on the map, the County gathers information from the Assessor's Office to ensure accuracy and noted that a big update was done in 2018 to show the conservation easements dated 2014 and newer. It was also noted that there are six projects that were not completed in 2018, but are in the works to be finalized in 2019.

## **EN RE: COMMISSIONERS**

### **COUNTY MANAGER ANNUAL REVIEW**

#### **MOTION**

At 3:03 p.m., Commissioner Melton moved to enter Executive Session pursuant to C.R.S. 24-6-402 (4) (f) – Personnel Matters. Those present included the Board of County Commissioners Melton, Corrigan and Monger, as well as County Manager Tom Sullivan. Commissioner Melton noted that the Executive Session would be electronically recorded, however no minutes would be taken.

Commissioner Corrigan seconded; the motion carried 3-0.

The executive session adjourned at 4:07 p.m. No minutes or formal actions were taken during the executive session and no decisions were made.

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