

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
March 20, 2018**

Commissioner Douglas B. Monger, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Cari Hermacinski, Commissioner Timothy V. Corrigan, 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**

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**MOTION**

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

Accounts Payable Check- Cycle Date:	3/12-3/16	\$538,617.89
Accounts Payable Check: Manuals	3/12-3/16	\$0.00
Accounts Payable Wires:	3/12-3/16	\$0.00
Total:		\$538,617.89
Payroll Checks- Cycle Date:	3/12-3/16	\$498,468.79
Payroll Checks- Manuals	3/12-3/16	\$0.00
Payroll – IRS & State Income Tax	3/12-3/16	\$203,663.62
Total:		\$0.00
Total Disbursements Approved:	3/12-3/16	<u>\$1,240,750.30</u>

Commissioner Monger seconded.

Mr. Sullivan advised of the accounts payable items of note.

Vendor	Amount	Department
Batch 1		

ADROIT ADVOCATES LLC	\$2,000.00	TREASURER Attorney Fees September 1 – December 31, 2017
TYLER TECHNOLOGIES INC	\$21,293.30	ACCOUNTING, ERP Phase 2 acceptance of live preparation readiness
Batch 2		
HUMAN RESOURCE COALITION – Community Services Budget Distribution to Agencies		
ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC (ESRI)	\$35,000.00	IT/GIS – annual license
CITY OF STEAMBOAT SPRINGS	\$5,866.42	Building & Plant – CLEF, NV5 Nov 2017 services
COLORADO CATTLEMENS AGRICULTURAL LAND TRUST	\$25,000.00	PDR 190: REIMB: TRANSACTION COSTS; High County Lamb
SMARTPROCURE	\$5,000.00	Purchasing - Smart Search Annual Subscription

The motion carried 3-0.

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

Commissioner Monger stated that the previous day the Board heard updates from the County Manager, County Attorney, and Interim Road and Bridge Director as well as received an update on the Spring Creek Trail and held a work session to discuss the County Manager’s annual performance review.

**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 6, 2018.
- B. Approval of and authorization for the Chair to sign a Liquor License renewal for Black Mountain Investments DBA Black Mountain Ranch for a Hotel & Restaurant License.
- C. Approval of and authorization to ratify the Chair’s signature on the AGNC Technical Assistance Grant Application for the Routt County Fairgrounds design of ISDS system and restroom project.

**MOTION**

Commissioner Hermacinski moved to approve item A, B, and C on the consent agenda and authorized 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: COMMUNICATIONS / JASON NETTLES**

Karrie Littman, Communications Administrative Assistant, was present.

**USFS MT WERNER MANAGEMENT PLAN AMENDMENT**

Ms. Littman stated that she is requesting the approval of and authorization for the Chair to sign the amendment to the Mt. Werner Management Plan. Once every ten years the USFS updates the management plans at all of the different communications sites and this year it was noticed that the Communications Site building at the Mt. Werner site was listed as being under the ownership of Routt County. The USFS is the true owner of the building although Routt County provides any maintenance.

**MOTION**

Commissioner Corrigan moved to approve and authorize the Chair to sign the amendment to the Mt. Werner Management Plan drafted by the US Forest Service correcting the ownership of the Communications Site building.

Commissioner Hermacinski seconded; the motion carried 3-0.

**EN RE: PURCHASING / DAN WEINHEIMER**

Julie Kennedy and Fred Honebein, Purchasing Agents, and Geovanny Romero, Road and Bridge, were also present.

**RFP 593 D2 SNOW PLOW TRUCK WITH OUTFITTING**

Ms. Kennedy stated that this is the consideration to approve the purchase and authorize the County Manager to approve a purchase order for one (1) new 2019 model year Western Star 4900 SF truck with outfitting complete to be used for snow plowing for the Road and Bridge Department at the Hayden Shop.

Mr. Romero added that they are replacing the 20 year old yellow mac truck that does the asphalt operations. The County was able to get a good deal on a Western Star and this is the same piece of equipment that was purchased for the Oak Creek shop two years ago with no problems. This price includes the outfitting for the snow plow attachment as well. This is a tandem axel and a 4X6 as was requested by the District 2 crew. The engines are becoming more electronic and they require different software per engine type therefore it is more beneficial to purchase the same engine type vehicles moving forward so fewer software licenses are necessary.

#### **MOTION**

Commissioner Hermacinski moved to approve and authorize the County Manager to sign a purchase order for one (1) new 2019 model year Western Star 4900 SF truck to be used for snow plowing for the Road and Bridge Department to Transwest Truck Trailer RV in the amount of \$214,998.

Commissioner Corrigan seconded; the motion carried 3-0.

#### **RFP 600 TRACTOR TRAILER TRUCK**

Ms. Kennedy stated that this is the Consideration to approve the purchase and authorize the County Manager to approve a purchase order for one (1) new 2019 model year Western Star 4900 SF tractor trailer truck for the Road and Bridge Department at the Steamboat Shop.

Mr. Romero added that this is a lowboy hauler tractor and specification was for a Cummins engine in an effort to standardize the engines among the shops. Transwest was able to meet all of the required specifications. Transwest has service trucks that will come up from Grand Junction to Routt County if maintenance is needed and a five year bumper to bumper warranty is included in the cost.

Mr. Romero noted that the old equipment will go to a roller auction.

#### **MOTION**

Commissioner Corrigan moved to approve and authorize the County Manager to sign the purchase order for one (1) new 2019 model year Western Star 4900 SF tractor trailer truck to be used for the Road and Bridge Department to Transwest Truck Trailer RV in the amount of \$122,803.

Commissioner Hermacinski seconded; the motion carried 3-0.

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

Alan Goldich, Planning; Scott Cowman, Environmental Health; Emy Keeling, GIS; Kris Middledorf and Bill Atkinson, Colorado Parks and Wildlife; Charlie Dresen, Ben Beall, Lyn Halliday, David Maris, and Angi Wood, citizens; were also present.

### **WATERBODY STEBACKS WORKSESSION; PL-16-70**

Mr. Goldich stated that this is the continuation of the waterbody setback discussion. He presented the proposed changes that were made following the last worksessions with the County Commissioners and the Planning Commission.

One of the major changes made was regarding the “avoidability” language. The proposed language would allow encroachments that staff determined as avoidable into the 50 foot setback. If it was deemed avoidable by staff it would be kicked up into a Special Use Permit process that would go to Planning Commission and the Board of County Commissioners for approval. At the Planning Commission worksession there were six members present and they all supported the language change although Commissioner Brookshire did not like the number of required steps for a person to get through that process.

The other discussion pertained to the change in the definition of a waterbody, increasing the number of days that a body must hold water from 60 days to 90 days. Four of the six Planning Commissioners did not agree with that change and no members of the public present at that worksession supported that change.

Mr. Goldich continued that Colorado Parks and Wildlife was consulted regarding the avoidability language. CPW was supportive of the language stating that they advocated for monitoring to ensure the mitigation measures put in place as part of the permit were monitored. If the mitigation measures aren’t properly implemented over time then they won’t necessarily achieve the mitigation of the impact created by the encroachment. Commissioner Monger replied there would need to be a way to hold property owners accountable because it’s not plausible to require a person to remove the structure if they don’t comply with the mitigation requirements.

Commissioner Corrigan asked for an example of a mitigation technique. Mr. Goldich responded one form would be revegetation.

Commissioner Hermacinski asked what the process is when a person applies for a water body setback. Mr. Goldich replied that the Planning Department utilizes a hydrology GIS map layer on from USGS that he believes is more detailed than the typical 7.5 minute quadrangle and that provides clues if a waterbody is intermittent or perennial. If it is determined that the stream is perennial then the waterbody setback regulations apply. If it is determined to be intermittent further research is conducted by interviewing the property owner and neighboring property owners that the waterbody contacts to learn if it flows for 60 continuous days or more annually.

Commissioner Hermacinski asked if the snow load or date that the snow disappears is factored into the 60 days of flow. Mr. Goldich responded that the 60 days is measured from the date that the snow disappears which is approximately April 15 but that date differs depending on the location of the property in the County.

Commissioner Hermacinski referenced an email received from Kevin McBride that indicated a concrete way to differentiate an intermittent stream from a perennial stream based on the 7.5 minute quad. Mr. Phillips responded that the USGS defines an intermittent stream as not perennial and that it dries up which means it can vary from property to property and it does not classify the waterbody by the number of days that it flows.

Commissioner Hermacinski clarified that the USGS hydrology overlay is accepted by the Planning staff if it indicates that the stream is perennial but they do further research if the overlay indicates that a stream is intermittent and therefore not considered a waterbody. Mr. Phillips responds yes because they don't know what standard applied to determine that the waterbody was intermittent. Commissioner Hermacinski replied that she is concerned that the County would be looking at things that USGS does not consider a waterbody and it provides opportunity for not treating citizens uniformly.

Commissioner Hermacinski asked Ms. Keeling to clarify if the USGS hydrology overlay is more detailed or less detailed than a 7.5 minute quadrangle. Ms. Keeling responded it is a 7.5 minute quad.

Commissioner Corrigan stated that the Planning Department is using the USGS quads as the first screening tool but not the only screening tool which he finds appropriate.

Commissioner Corrigan added that he wants to discuss the unavailability language again. Mr. Goldich responded that he wanted to clarify something regarding the impacts deemed avoidable which states "this language will only apply to roads within the setback and crossings of a waterbody including bridges, culverts, and other methods of crossings and shall not apply to structures". This language was included based on comments from the Board and Planning Commission that they did not want structures in the setback but instead only allow access. Someone would bring a proposal to Planning and staff would determine if it were avoidable or not based on how the regulations have been interpreted to this point.

Mr. Phillips added that if the direction from the Board was for Planning to take a lighter approach to what is deemed avoidable then they can conform to that. Commissioner Hermacinski stated that her concern is adapting a uniform approach.

Commissioner Monger stated that he has a few things to note before public comment opens. He is a little upset about how much time this has taken for everyone involved. Since the original waterbody setback regulations were established, grading and excavating permits have been established as well and best management practices. There have been attempts to negotiate some of these issues with no success. He is going to be hard pressed to not support the change from 90 days to 60 days.

## **PUBLIC COMMENT**

Mr. Beall stated that he isn't sure how much impact his comments will have following Commissioner Monger's statements but he will share them anyways. He commends the Board for the work that they have done on this. He believes that the unavailability item has a consensus. However, he doesn't agree with the definition of intermittent streams. The 90 days is not adequate and is arbitrary. He would like to see Routt County take a long term view

regarding water, water quality, and riparian areas. He questioned if we want fisheries degraded or for taxpayer money to correct problems that will happen from the loosening of this regulation.

Ms. Wood stated that she lives in Clark and when she was submitting her Planning application to build she was told that she needed a 60 foot setback from an intermittent stream by Planning staff. The staff was unable to provide a response when she inquired why the 60 foot setback was required. As a result she ended up paying an additional \$35,000 for her construction project. The difference between intermittent and perennial streams has been a very pertinent issue for her.

Mr. Lake asked if there is any allowance for a temporary impact within a setback. Mr. Goldich responded that there is no allowance for a temporary impact but a Grading and Excavating Permit covers some temporary impacts.

Ms. Halliday added that she is a volunteer with nothing to gain in this effort but this is something that she care greatly about. Regarding the 60 day versus 90 day flow item, this is a newly introduced matter that is of critical concern to her. Looking holistically at a river system is critical to watershed management albeit difficult to grasp. Many local experts and scientists do not support an intermittent stream definition of 90 days of flow. Regarding being fair and uniform to citizens, the waterbody setback regulations needs to take into account the conservation of the watersheds for future use. Those intermittent streams that appear to be dry are critical to many species and riparian areas. These discussions have been in the works since the fall of 2015 and many compromises and concessions have been met although none of them have involved the intermittent streams definitions. Ms. Halliday added that costs can be passed on to citizens and developers if a water body is considered impaired by the CDPHE. Once on that list it goes through a number of reviews and studies that cost taxpayer's money and developers need to conduct costly testing and possibly treatment in order to move forward with projects adjacent to impaired waterbodies.

Mr. Atkinson discussed the mission of Colorado Parks and Wildlife to protect wildlife and wildlife habitats including streams and water corridors. Intermittent streams will show signs as a typical steam would such as erosion and sediment deposition absent perennial flows. An ephemeral stream typically are situated above a water table and are typically vegetated in the bottom of them. Both ephemeral and intermittent streams are critical to the environment. The cumulative impact is the real concern and the valley is changing. An individual and variance based approach is the best route. Impacts in the setbacks on one property have the potential to manifest in downstream impacts. What needs to be looked at are the impacts to the system as a whole. The river system is the lifeblood of the valley and monitoring is necessary to determine what the potential impacts can be on each waterbody.

Commissioner Corrigan asked if Mr. Atkinson thinks that the County should treat ephemeral stream the same as an intermittent stream. Mr. Atkinson replied that he believes that they should be treated on a case by case basis depending on the stability of the stream and the magnitude of development.

## **ROUNDTABLE**

Commissioner Hermacinski stated that she supports the 90 day flow definition for intermittent streams. Regarding the final adoption she would like to look at five years of

monitoring for bonding. Further she would like allowances for temporary grading to be looked into within waterbody setbacks. Although she agrees with much of what Mr. Atkinson states, the mission of the County is slightly different than that of CPW. Humans can have a negative impact on the environment but the Board also needs to take into account the needs of the citizens. The Commissioners have received complaints from citizens regarding waterbody setback regulations and that is something she needs to take into account.

Commissioner Corrigan stated that he has heard a lot of information on this topic and he is not prepared to express how he feels on the issue yet. He would like to hear from citizens if they have had a bad experience with the waterbody setback process.

Commissioner Monger added that the Board has negotiated on this issue and it feels like they have come a long way but he struggles to see how the sky is falling if the flow time is extended to 90 days for intermittent streams. Additionally, development in the unincorporated county will continue to be one single family home per 35 acres therefore he does not foresee enormous amounts of development in the near future. When the waterbody setback regulations were put into place there were no grading and excavating permits but since then the regulations have been doubled up. Mitigation and monitoring are great although it doesn't do any good if there is no stick to hold people to compliance whether that be a bond or another mechanism.

#### **HOUSEKEEPING WORKSESSION; PL-18-101**

Commissioner Monger noted that the meeting is running behind schedule and he would support tabling this item to the following week.

#### **MOTION**

Commissioner Hermacinski moved to table the Housekeeping Work session, PL-18-101 to March 27, 2018.

Commissioner Corrigan seconded; the motion carried 3-0.

#### **EN RE: DEPUTY COUNTY MANAGER / DAN WEINHEIMER**

Kim Newcomer and Ashley Lauwereins, Slate Communications; Kevin Booth, Yampa Valley Regional Airport Director; Jill Delay, Fair Manager; Chris Hensen, Human Resources Director; Scott Cowman, Environmental Health Director; Chad Phillips, Planning Director; and Kim Bonner, County Clerk; were present.

#### **COMMUNICATIONS CONSULTANT UPDATE**

Ms. Newcomer stated that she is present to give the Board a progress report of their communications consulting. Slate has been out talking with department heads, staff and community partners to find feedback points and communications needs.



Ms. Newcomer discussed some of the highlights from these interactions. First, she touched on the strong personal relationships and communications that the County has formed with the constituents and community partners. On the other hand, the county as a whole does not have a common identity which is evident in the number of different logos, uniforms, and methods of operating across the different departments.

Commissioner Hermacinski asked if the changes to logos and branding can be rolled out slowly so it doesn't cost an enormous amount of money to the County. Mr. Newcomer responded that it is absolutely possible to roll out a rebranding slowly.

Commissioner Monger discussed the use of social media within the County. Ms. Newcomer responded that sometimes social media accounts grow from being one for an entire entity to having numerous accounts that represent each department individually. Sometimes the concern is that all of those fragmented accounts are not representing the County as a whole correctly.

Mr. Weinheimer added that the County has upwards of 15 different social media accounts and they are customized to the audience that each department is trying to reach. Mr. Sullivan added that originally when social media accounts were created Ms. Taylor acted as the gate keeper but as things have evolved departments have moved away from that approval system. Commissioner Hermacinski added that she is supportive of having multiple accounts so the public can subscribe to the pages that are pertinent to them.

Ms. Newcomer discussed the need to strengthen internal communication between departments although a common agreement of what that means differs. Other areas of focus are the support for transparency and accountability, ability to provide timely and accurate information, and prioritizing public engagement. Ms. Newcomer also noted the goals that Slate identified including improving internal communications, modernizing communication methods with the public, and better communicating the county services.

Ms. Newcomer presented a wish list that was compiled following interviews with the department heads. There is also an implementation schedule that was created based upon the laundry list of needs. Mr. Weinheimer added that the implementation plan, as written, far exceeds the contract with Slate Communications.

Commissioner Corrigan stated that he would like some of these things prioritized and he sees internal communication as the highest priority because it will help clarify the message that the County will send out to the public. Mr. Weinheimer added that he thinks that the internal communication is something that can be tackled in house.

Commissioner Hermacinski would like to see the department heads to narrow and prioritize the list then bring those ideas to the Commissioners.

Commissioner Monger added that he would like to have more face time with employees beyond the department head level.

Mr. Booth added that he would like a focus on standardized communications particularly for internal communications with staff.

Mr. Cowman commented that the standardized branding would be a priority for Environmental Health because they are out in the community performing inspections.

Mr. Phillips noted that updating websites or web pages should also be a priority because there is a lot of outdated information available to the public.

Mr. Weinheimer added that some of these priorities, such as new department websites, are beyond the scope of the contract with Slate Communications therefore they will require supplemental budgets. Commissioner Monger replied that those departments will utilize their individual budgets for some of those proprieties.

## **EN RE: NORTH ROUTT FIRE PROTECTION DISTRICT BOARD**

Steve Warnke, North Routt Fire Protection District Board Member, and Mike Swinsick, North Routt Fire Protection District Chief.

### **BALLOT QUESTION DISCUSSION**

Mr. Warnke stated that this item is a heads up to the County Commissioners regarding a ballot question that will be considered this fall. The Fire District Board sent a letter to the North Routt residents about two weeks ago regarding the ballot. The Fire District Board has hired an attorney to review their ballot language and look over their work but they are running their own election.

Mr. Warnke discussed the decrease in taxes collected in the Fire District. Chief Swinsick added that the intent is to add a full time assistant fire chief and two part time EMTs if the increased funding is approved by the voters.

Commissioner Monger asked if North Routt Fire Protection District will adopt the fire code. Mr. Swinsick responded no they have not adopted it but they are considering adopting it but it adds to workload. Many of the building codes incorporate some of the codes such as the road designs for emergency vehicles.

Commissioner Monger requested to have a copy of the ballot language sent to the Commissioners once it is finalized.

## **EN RE: COMMISSIONERS**

### **BOARD OF ADJUSTMENT AND PLANNING COMMISSION 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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Douglas B. Monger, Chair

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Date