

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
March 27, 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**

**EN RE: WARRANTS**

**MOTION**

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

Accounts Payable Check- Cycle Date:	3/19-3/23	\$538,617.89
Accounts Payable Check: Manuals	3/19-3/23	\$0.00
Accounts Payable Wires:	3/19-3/23	\$0.00
Total:		\$538,617.89
Payroll Checks- Cycle Date:	3/19-3/23	\$0.00
Payroll Checks- Manuals	3/19-3/23	\$0.00
Payroll – IRS & State Income Tax	3/19-3/23	\$0.00
Total:		\$0.00
Total Disbursements Approved:	3/19-3/23	<u>\$538,617.89</u>

Commissioner Monger seconded.

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

COLORADO WEST REGIONAL MENTAL HEALTH INC	\$10,000	Community Services 2017 Budget: CONTRIBUTION TO BUILDING
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		SANCTUARY
HOLMQUIST-LORENZ CONSTRUCTION COMPANY	\$4,322.01	Building & Plant: Justice Center Flood Repair from water line break
NORTHWEST COLO HEALTH	\$51,718.77	Environmental Health – Budget Support: Feb, Mar and Apr 2018
AXON ENTERPRISE INC	\$19,499.60	Sheriff's Office: Evidence.com annual payment, storage and Taser assurance plan and year 2 license

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 the Yampa Valley Regional Airport Director as well as conducted interviews with members of Steamboat Springs City Council for open positions on the Yampa Valley Housing Authority Board.

**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 13, 2018.
- B. Approval of and authorization for signature on Routt County United Way's Membership Agency Agreement for 2018 on behalf of Routt County as fiscal agent for the Routt County Early Childhood Council.
- C. Approval of and authorization to sign a resolution reappointing Jo Semotan to a 6-year term to the Steamboat Springs Cemetery Board of Directors effective January 1, 2018 through December 31, 2024.
- D. Approval of and authorization for the chair to sign the plat for the Shaffer Fischer lot consolidation and Resolution for vacation of utility and drainage easements; PL-17-134.
- E. Approval of and authorization to sign a resolution appointing Laura Brice to the South Routt Library District Board with a term beginning March 13, 2018 and expiring March 13, 2023.
- F. Approval of the State Human Service Electronic Transfer in the amount of \$80,296.31 through January 2018.

**MOTION**

Commissioner Hermacinski moved to approve items A, B, C, D, E, and F on the consent agenda and authorized the Chair to sign the related documents. Item C is Resolution 2018-005, item D is Resolution 2018-006, and item E is Resolution 2018-007.

Commissioner Corrigan seconded; the motion carried 3-0.

**EN RE: PUBLIC COMMENT**

No members of the public were present for comment.

**EN RE: SHERIFF'S OFFICE / GARRETT WIGGINS**

Doug Scherar, Undersheriff, was present.

**2018 USFS CONTRACT**

Undersheriff Scherar stated that this agreement is the 2018 USFS Contract. There were no changes made to the prior year's contract including the dollar amount. The unspent funds from the prior year were carried over in turn reducing the current year's obligation. This is to reimburse the Routt County Sheriff's Office for time they spend on law enforcement in the National Forest.

Commissioner Corrigan asked if this is a cost not to exceed the expressed amount. Undersheriff Scherar responded yes, they are not to go over the \$8,300 in the contract but they have never exceeded that amount.

**MOTION**

Commissioner Corrigan moved to approve and authorize the County Manager to sign the USFS contract between the Routt County Sheriff's Office and the USDA, Forest Service Medicine Bow-Routt Forest Thunder Basin National Gasland for 2018.

Commissioner Hermacinski seconded; the motion carried 3-0.

**EN RE: US FOREST SERVICE / CHAD STEWART**

Matt Stensland, Steamboat Pilot & Today, was also present.

**UPDATE**

Mr. Stewart stated that he is present to give the Commissioners an update regarding the local Forest Service activities and some concerns. In particular the Dry Lake and Buff Pass areas continue to be well loved and the hope is to get public input regarding those areas. Due to its popularity, more dispersed camping sites are popping up. One idea that has been explored was expanding the established camping area to limit dispersed camping. Another issue has been parking and the small size of the turnaround area especially during the winter when snowmobilers arrive. The parking lot fills up quickly with snowmobile rigs in the winter and it is

nearly impossible for some large vehicles with trailers to turn around to leave the lot. On average 13 rigs are turned away every day in the winter. Options being discussed are either increasing the size of the parking lot to allow for more parking or to redesign the turn around to allow for greater ease of use.

Commissioner Hermacinski stated that the use has increased greatly over the last year in those areas. Further, some local towing companies will not tow illegal parked vehicles and enormous rigs. Mr. Stewart replied that those large rigs have created some issues for Routt County Road & Bridge when they get stuck on the roads in that area. He is looking for ideas from the public, user groups, and local entities to figure out both short term and long term solutions. One idea being floated is a permit system for parking lot access.

Commissioner Monger asked if there is a way to prevent the rigs from going up to the parking area if the lot is full such as a lighted sign that indicates that there is no more parking. Mr. Stewart replied that he likes that idea a lot but it would need to go through the NEPA process in order to put up a sign unless the County put it up in its right of way.

Commissioner Hermacinski commented that she feels as though expanding the parking lot would just encourage more overuse of the area and that she is more supportive of a sign.

Mr. Stewart added that he wants engagement with local elected officials regarding this issue. Many user groups are competing for the areas up there and some limited access might be an idea to look at. Commissioner Monger commented that he is concerned about picking winners and losers regarding access to public lands. Mr. Stewart added that segregating user groups to designated areas is also a practice that has been very difficult to enforce.

Commissioner Corrigan has concerns about many people coming to Routt County and overusing the area and making it unenjoyable there. Users will eventually begin to visit other National Forest areas around the County.

Mr. Stewart discussed the fire funding fix that will not go into effect until 2020 and will cover \$2 billion of costs for fighting fires in the National Forests. Last year the cost of fighting fires in the National Forests totaled \$4.6 billion so this will not entirely alleviate the problem. At this point it is not known exactly the process for the fire funding fix but at this point firefighting is over half of the budget for the USFS.

Commissioner Monger commented that the County is willing to help with the sign for the Dry Lake capacity issue. Commissioner Hermacinski suggested getting the sign idea at the bottom of Buff Pass on the Road & Bridge Directors radar.

Mr. Stewart commented that the timber sales seem to have peaked. There are some second entry sales happening and the beetle kill trees are going to be coming to an end at some point. Green tree sales will be a possibility in the future. Much of the easy timber has been pulled out of the forest already as a result more material is being left behind and that requires more work for the field staff.

## **EN RE: COMMUNICATIONS CENTER / JASON NETTLES**

Karrie Littman, Administrative Assistant, and Mo DeMorat, Emergency Operations Manager, were present.

### **CENTURYLINK E-911 PHONE SYSTEM ONSITE SUPPORT AGREEMENT**

Ms. Littman stated that this is the annual renewal of the onsite maintenance agreement for the CenturyLink E-911 phone system. This agreement goes in conjunction with the Airbus agreement that was signed late in 2017. This agreement takes care of the actual equipment in the Communications Center.

Commissioner Monger asked if this is going to be replaced soon. Ms. Littman responded yes, with the move to the Combined Law Enforcement Facility they plan on replacing their equipment.

### **MOTION**

Commissioner Hermacinski moved to waive the formal bid process and authorize the Chair to sign the Onsite Support Agreement for the Communications Department PSAP E-911 Phone System with Century Link Sales Solution, Inc.

Commissioner Corrigan seconded; the motion carried 3-0.

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

Kathy Nelson, Human Resources, was present.

### **JOB STEP INCREASE**

Ms. Nelson stated that the interim Public Works Director Mike Mordi is requesting to hire Eric Clark at Step 3 of the Heavy Equipment Mechanic pay scale with an option to increase to Step 4 upon completion of a 6 month probationary period and obtaining the required certifications. Mr. Clark meets all of the educational and work experience requirements to be hired at a Step 3 and advance to Step 4 upon completion of a 6 month probationary period and confirmation that he has obtained his First Aid Card, his Underground Storage Tank Operator A Certification and obtained his CDL. He has over 15 years of relevant experience; 10 years above the minimum listed in the job description. The combination of his work experience, an Associate's degree, Welding certification, OSHA 300 Card and Logistics Vehicle System Operator training makes him eligible for Step 4. The County Manager and I recommend Mr. Mordi's request to advance Mr. Clark from Step 3 to Step 4 of the Heavy Equipment Mechanic pay scale after a successful six month performance evaluation and obtaining the required certifications.

Commissioner Monger asked if it is clear to Mr. Clark what the requirements are to have a successful six month performance evaluation and what the required certifications are. Ms. Nelson responded yes, those items have been discussed with him and those certificates are to receive a CDL, a First Aid Certificate, and an Underground Storage Tank Operator A Certificate.

## **MOTION**

Commissioner Corrigan moved to approve advancing the Heavy Equipment Mechanic to Step 4 upon satisfactory completion of a 6 month probationary period and obtaining the required certifications.

Commissioner Hermacinski seconded; the motion carried 3-0.

## **EN RE: EMERGENCY MANAGEMENT / MO DEMORAT**

Cheryl Dalton, Emergency Management Specialist, was also present.

### **2018 ROUTT COUNTY WILDLAND FIRE ANNUAL OPERATING PLAN (AOP)**

Mr. DeMorat stated that this is the consideration to approve the Routt County Wildfire Annual Operating Plan. There are very few changes from the prior year's AOP. The biggest change was to move some information into the tactical plans for the fire districts. The AOP is already in the works for next year and it will go parallel with some of the IGA updates.

Mr. DeMorat added that one thing being discussed is the idea of getting rid of the Wildfire MAC Advisory Group and just adopting the All Hazards MAC Advisory Group. Commissioner Monger asked if the fire districts are onboard with that idea. Mr. DeMorat responded that it was actually a suggestion from Chief Wisecup from Oak Creek Fire Protection District.

Commissioner Corrigan clarified that for 2018 the AOP is the same in essence as the 2017 AOP. Mr. DeMorat responded yes.

## **MOTION**

Commissioner Corrigan moved to approve and authorize the Chair to sign the 2018 Routt County Wildland Fire Management Annual Operating Plan (AOP).

Commissioner Hermacinski seconded; the motion carried 3-0.

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

### **EIAF GRANT APPLICATION FOR PRIORITY-BASED BUDGETING**

Mr. Weinheimer stated that this item is the consideration to submit an Energy/Mineral Impact Assistance Fund Grant for Priority-based Budgeting. This grant is a 50/50 match between DOLA and Routt County to provide three years of Priority-Based Budgeting through Resource X / Center for Priority-Based Budgeting. Following the presentation from Resource X regarding the program there was interest from the Board to pursue this.

Commissioner Monger clarified that this is solely an application for the DOLA Grant and not a contract for the program. Mr. Weinheimer responded that is correct. A draft contract is in the packet to give an idea of what the contract entails but a contract would not be considered until after the grant funding was secured.

Mr. Weinheimer added that the total three year cost is \$100,000 and this grant would cover \$50,000 of that cost.

Commissioner Hermacinski asked who within the County would access this program. Mr. Weinheimer responded that the Department Heads would access the system and the County Managers Office side would drive some of those initiatives.

Commissioner Hermacinski added that she does not see this as a budget cutting tool but instead a way to reallocate resources and repurposing funds.

### **MOTION**

Commissioner Hermacinski moved to approve and authorize the submission of an Energy/Mineral Impact Assistance Fund Grant for Priority-based Budgeting.

Commissioner Corrigan seconded; the motion carried 3-0.

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

Alan Goldich and Chris Brookshire, Planning; and Jason Cobb, Steamboat Zipline Adventures; were present.

### **STEAMBOAT ZIPLINE ADVENTURES; PL-17-151**

Ms. Brookshire stated that this is a request from Steamboat Zipline Adventures to temporarily maintain non-conforming structures. They were issued a CUP in 2015. The operator was notified of permit violations which were not corrected and subsequently the CUP was revoked by the Planning Commission in November 2017 and they recommended that the zipline structures be allowed to remain in place with a request from the petitioner for approval by the Board of County Commissioners. Planning Commission put a deadline for resubmission of the CUP application as June 1, 2018. If at that time an application is not submitted, Planning Commission recommends that the zipline structures be removed.

Mr. Cobb commented that he is sorry for not communicating with Planning Staff or amending the permit to allow a sign.

Commissioner Monger commented that it was a slap on the face of the County after they went through the entire process to approve the CUP only to have conditions violated. He understands that things happen and everyone needs to make a living but the sign was definitely something that wasn't supposed to happen.

Commissioner Corrigan stated that he was bothered that the conditions were knowingly, consciously violated. He was very disturbed to see the sign off of Highway 40 and it creates a very dangerous driving situation. He personally was put into a dangerous traffic situation due to the sign. Multiple notices were sent to Mr. Cobb and he attended the Planning Commission meeting regarding the violation but he still refused to take the sign down.

Commissioner Corrigan asked if the zipline was still running after the CUP was revoked in November 2017. Mr. Cobb responded that the zipline has not been in operation since the CUP was revoked although they have been testing the lines since.

Commissioner Corrigan asked what assurances Mr. Cobb can provide that the zipline will not be operating if the structures are left up until an application is resubmitted. Mr. Cobb questioned if he can still test the ziplines and complete his certifications. Commissioner Corrigan responded that he would rather see the lines be taken down based upon the track record of Mr. Cobb failing to comply with the conditions.

Commissioner Hermacinski added that the recommended conditions of the approval of allowing the structures to remain includes language that indicates the zipline cannot be operated until a permit is issued.

Commissioner Monger added that he personally supported the zipline project which makes this an awkward position to be in. He is not prejudging the new application but if it comes in with a request for a parking lot and access at the current location it will probably not be getting approval from any of the Commissioners. It is a dangerous location

## **MOTION**

Commissioner Hermacinski moved to approve the request with the following conditions:

1. The zipline cannot be operated until a new permit is issued.
2. An application must be submitted by June 1, 2018. If an application is not submitted by that date all structures and equipment associated with the zipline will be removed from the property by October 1, 2018.
3. No signage advertising the zipline can be placed on the property or within the CDOT right of way.
4. In the event the application is denied, all non-conforming structures and equipment associated with the zipline must be removed within 30 days.

Commissioner Corrigan seconded; the motion carried 3-0.

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

Mr. Goldich stated that this item is a Housekeeping Worksession to update the Zoning and Subdivision Regulations for clarifications and typos. Planning Commission discussed these changes on February 15<sup>th</sup>, 2018. Mr. Goldich added that he will go through each of the proposed changes.

Section 2, Structure: Mr. Goldich noted an addition to the definition of structure for containers greater than 120 square feet. This is included due to the growing popularity of utilizing shipping containers. This change would mean property line setbacks would apply to them. If the container is under 120 square feet it would not be considered a structure.

Commissioner Corrigan asked if there is a limit to the number of containers one could have on a property. Mr. Goldich responded that there is a limit to the number of small structures allowed in the setback but there is no limit to the number overall on a property. Mr. Phillips added that the structure would need to be accessory to a primary use.

Section 3.4.4: Mr. Goldich stated that this is a change to the language in the section that addresses the Board of Adjustment (BOA). There is a list of items that the BOA is charged with hearing and granting variances on. Minimum lot area is on that list. People are not required to go to BOA because this is addressed at the staff level. Therefore it has been removed from the list.

Section 3.4.6: Again in the BOA section, the standards for grant or denial of a variance includes a section that states “under no circumstances shall a variance be granted on the sole basis of personal convenience, profit, or special privilege to the applicant”. The word “profit” is unclear and has been something that the BOA has struggled with because it is a word typically associated with making money and not when spending money. Staff’s approach was to remove “profit” and replacing it with “cost of development”. Planning Commission suggested leaving “profit” in, as well as adding “cost of development”. The Commissioners agreed with staff’s approach, removing “profit” and replacing it with “cost of development”. Mr. Goldich stated that Planning Commission asked staff to research the Manley case in Steamboat Springs which concerned variances for a development at the corner of Lincoln and 12<sup>th</sup> St. That case involved the fact that findings of fact were not given for the approval.

Section 3.2.1: Mr. Goldich stated that the Board gave Planning direction that vacation of non-platted rights-of-way should go directly to the Board of County Commissioners and skip Planning Commission. If an unconstructed but platted right-of-way exists it will still go to the Planning Commission.

Section 5.10.B: Mr. Goldich stated that this change is the standards for structures within the skyline applicability area. The road classification system has been changed by Road & Bridge and some categories have been eliminated therefore the existing language became obsolete. Planning has a copy of the official skyline map in their office and is part of the Zoning Regulations. This map will be referred to in the regulations instead of to a classification of road.

Section 2.9.2 & 2.10.2A: Mr. Goldich stated that this change is regarding the Subdivision Regulations and adjustments to building envelopes. There are many subdivisions that indicate where the building envelope is on the plat. There have been applications to amend building envelopes slightly which is time consuming for both the staff and the applicant.

Commissioner Corrigan asked what basis there would be to deny moving the building envelope. Mr. Goldich responded basis for denial includes if it were in the property line setback, if it is more than 30% slope, or a critical wildlife habitat.

Mr. Goldich continued that it is staffs' opinion that if building envelopes want to be placed on a property that can be done through a covenant and enforced through the HOA instead of through the County. What is being proposed is that on vacant lots the building envelope will be done away with and instead no build zones will be shown on the plat.

Commissioner Monger asked if adjacent property owners will be notified. Mr. Goldich responded yes.

Commissioner Hermacinski questioned what will happen if there is an adjacent property owner complaint. Mr. Goldich responded that the intent would be to work with the adjacent property owner to determine what the specific complaint is. Commissioner Hermacinski replied that she has concerns about the County getting in between private property owners. Mr. Phillips replied that they would get involved if the complaint was based upon something in the subdivision regulations but not if it was simply because they don't like the new placement of the building envelope. Commissioner Corrigan added that the adjacent property owner can appeal to Planning Commission.

Commissioner Hermacinski commented that there could be citizens that purchased a property based upon how the building envelopes were situated in a subdivision and she would like to see this change moving forward instead of retroactively.

Commissioner Monger added that he is fine with changing it but the County needs to be aware that they might get complaints from adjacent property owners.

Commissioner Corrigan stated that he understands what Commissioner Hermacinski is saying and he agrees that this should be changed moving forward. Mr. Goldich replied that this does not change the large amount of time dedicated to the applications that Planning is receiving to adjust the building envelopes. Mr. Phillips added that they represent all citizens of the County and can help adjacent property owners understand the Subdivision Regulations as well.

Commissioner Hermacinski commented that although she is apprehensive this is something she can get over. Mr. Phillips added that often times there are two layers of regulations, those of the County and those of the covenants in the subdivision. The County is more focused on where a structure cannot be built under the regulations.

Section 4.2.G: Mr. Goldich stated that this item addresses types of improvements required from a subdivision. Currently the regulations state "other improvements required by the County Commissioners and the Planning Commission at the time of final plan approval". The final plan does not come before the County Commissioners and Planning Commission so the word "final" has been replaced with "preliminary" because both boards see the plan at that stage.

Section 4.1.A: Mr. Goldich stated that this item addresses the section, Guarantee of Improvements/Subdivision Improvement Agreement. This change is to help protect the existing infrastructure that is in place that needs to be impacted to install infrastructure required by the new subdivision. This change is as the result of the Alpine Acres Subdivision that caused impacts to an existing road and the repairs were not sufficient and there was no recourse for the

County. This change gives the County a method to require the developer to fix the existing infrastructure.

Miscellaneous: Mr. Goldich added that these changes include typos, the changing of a title for a submittal checklist, and adding to the data requirement on the plat notes to include covenants.

Commissioner Monger asked if surveyors and developers have been consulted regarding requirements to add covenants to the plat notes. Mr. Goldich responded no.

Commissioner Hermacinski questioned when the Board will actually see that change to Section 4.1.A. Mr. Goldich responded that the proposed language is available.

Mr. Goldich stated that he also wants to discuss the proposed new line in the land use chart as Public Safety Training Facilities for Governmental Use. This is in response to the Eagle County Sheriff's Office training in South Routt and the Routt County Sheriff's training at the Bedell Property. The Bedell training was issued a Special Event Permit. After the event, the neighbors objected on the grounds that the offsite impacts were not limited. At that point it was determined that this should not be an administrative approval.

Commissioner Hermacinski as for clarification regarding the wording that this would be limited to governmental entities only. Mr. Goldich stated that if a person were to have a private shooting event on their property it would be looked at as a onetime Conditional Use Permit instead of a Special Event Permit due to the assertion from the public that the offsite impacts are not limited for live fire events. Commissioner Hermacinski responded that other special events have noise that carries as well. Commissioner Corrigan responded that this could be because the Eagle County incident was so egregious. Commissioner Monger added that the CUP process will require them to pass a sound test at the property line.

Commissioner Hermacinski added that the County cannot do anything if the federal or state government wants to hold a training exercise in Routt County. Mr. Phillips added that they still want them to go through this process.

Mr. Goldich added that for the public safety training facilities for governmental use the proposed process would be a Special Use Permit. For private individuals it would be considered a recreational facility and therefore go through the CUP process.

Commissioner Hermacinski asked why it would be a harder process for the governmental use facilities instead of treating the private facilities and the governmental use facilities the same. Mr. Phillips responded that following meetings with the Routt County Sheriff and the County Attorney it was determined that the Eagle County training was not recreational in nature therefore putting it into a different category than the private training events.

Commissioner Hermacinski responded that she would like to see both the private and the governmental use facilities processed the same.

Commissioner Monger added that he would like it to be easy enough for the governmental agencies to go through the process and that they actually utilize it.

Commissioner Corrigan clarified that a CUP can be issued for a one-time event. Mr. Goldich responded that, for example, a CUP can be issued for an event that occurs once a year for ten years therefore it wouldn't require the applicant to come back in every year to apply.

A new line in land use chart would have public safety training area in response to the Eagle County and an RCSO employee who attempted to get a Special Event Permit.

Mr. Phillips asked for clarification regarding the Board's opinion if they would prefer a permit that covers both governmental and private entities or if it should be a separate permit process. Commissioner Hermacinski responded that she does not have a strong feeling one way or the other although she would like it to be the same or easier for a governmental agency to go through the approval process.

Commissioner Monger responded that he has some concerns regarding profiteering for private entities. Mr. Phillips added that there are other ways that a private entity can accomplish this but Planning is trying to smooth out the process and clean it up.

## **EN RE: COMMISSIONERS**

### **BOARD OF ADJUSTMENT AND PLANNING COMMISSION INTERVIEWS**

No recording or minutes were produced for this item.

### **APPROVAL OF APPOINTMENTS TO BOARD OF ADJUSTMENTS AND PLANNING COMMISSION**

#### **MOTION**

Commissioner Hermacinski moved to approve the reappointments of John Merrill, Troy Brookshire, Steve Warnke, and Karl Koehler to the Routt County Planning Commission and to approve the appointments of Don Prowant and Jeff Gustafson to the Routt County Planning Board of Adjustments.

Commissioner Corrigan 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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Douglas B. Monger, Chair

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Date