

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
August 7, 2018**

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

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: | 7/30-8/3 | \$765,622.58 |
| Accounts Payable Check: Manuals | 7/30-8/3 | \$0.00 |
| Accounts Payable Wires: | 7/30-8/3 | \$0.00 |
| Total: | | \$765,622.58 |
| Payroll Checks- Cycle Date: | 7/30-8/3 | \$482,814.32 |
| Payroll Checks- Manuals | 7/30-8/3 | \$0.00 |
| Payroll – IRS & State Income Tax | 7/30-8/3 | \$192,875.55 |
| Total: | | \$675,689.87 |
| Total Disbursements Approved: | 7/30-8/3 | <u>\$1,441,312.45</u> |

Commissioner Monger seconded.

Mr. Sullivan advised of the Accounts Payable items for run date July, 20 2018.

| Vendor | Amount | Department |
|---------------------------|----------|---|
| BASELINE ENGINEERING CORP | 3,429.38 | Bld. & Plant Pool: Fairgrounds RV Park Phase II Engineering – Pedestrian Bridge |

| | | |
|--|------------|--|
| JVIATION INC | 8,763.70 | YVRA: AIP44-1 APRON EXPANSION & REHAB |
| ROCKWEST TECHNOLOGY GROUP INC | 4,880.00 | YVRA: Badging System Purchase |
| Distribution of Community Services Budget – i.e. Search & Rescue | 40,700 | |
| CITY OF STEAMBOAT SPRINGS | 267,339.58 | BUILDING & PLANT POOL: CALCON, NV5, ATMOS, SAA |
| AXON ENTERPRISE INC | 10,407.75 | SHERIFF OFFICE: PURCHASE OF PARTOL VEHICLE DASH CAMERAS |
| ABI ATTACHMENTS, INC | 25,227.00 | FAIRGROUNDS: PURCHASE DRAGMASTER FOR ARENA DUST SUPPRESSION |
| MOUNTAIN TRUCK & EQUIPMENT CO | 32,950.00 | ROAD & BRIDGE HEAVY EQUIPMENT: BUCKET TRUCK UNIT 963, 2007 FORD F550 |

The motion carried 2-0.

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

Commissioner Monger noted that the Board heard updates from the County Manager, County Attorney, Human Services Director, Emergency Operations Director, Communications Center Manager, Sheriff, and held a Board of Equalization hearing.

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 June 26, 2018.
- B. Approval of County Commissioners Minutes: Special Meeting of June 27, 2018.

MOTION

Commissioner Hermacinski 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 2-0.

EN RE: PUBLIC COMMENT

Robin Craigen, Moving Mountains, Lisa Landers, Resort Group, Jerry Schalnus, citizen, and Ray DuBois and Mike Mordi, Routt County Public Works, were present.

Mr. Craigen stated that he is the owner of Moving Mountains, a professional property management company, and he heard that there was a complaint against 15 Tree Haus subdivision homeowners that use their residence as a nightly vacation rental. He would like to know when the County will address nightly vacation rentals and set regulations on them. He knows that the County is aware that there are about 500 nightly vacation rentals in unincorporated Routt County unlicensed and unregulated. Regulations would provide the framework for control and enforcement and he suggested that the County levy their own accommodations tax on these rentals in order to fund projects such as road improvements.

Commissioner Hermacinski replied that nightly rentals are legitimate economic activity and a blind eye is being turned to potential safety risks in these rentals. The issue with lodging tax is that state statute dictates that it can only be used for marketing however the County would want to use it for other things such as road improvements. The Board has asked the state legislature to run a bill to change the parameters of lodging tax but that has yet to happen although she still believes that nightly rentals do need to be addressed.

Commissioner Monger feels that the issue for him is transportation to homes in the hinterlands. He thinks this can be addressed by creating zones within a certain distance of the City to allow nightly rentals. Mr. Craigen argued that this nightly rental traffic is a small use compared to other recreational uses such as RV's and campers. He supports regulations and parameters being set on the issue. As a professional property manager he sees some of these websites such as Air B&B allowing anyone to market themselves and be their own manager which is not an ideal situation.

Commissioner Monger noted that he also questions if these illegal nightly rentals are collecting the 1% sales tax as they still should be doing. Mr. Craigen responded that it is possible that Air B&B does through a tax agreement. He noted that he feels as though this has been dragging on for three or four years and he would like to know when something will be done about it. Commissioner Monger replied that there is another part of the population that is vehemently opposed to nightly rentals so there are still two sides to this argument.

Mr. Schalnus stated that he is present to share some thoughts and for help from the County. Some issues that have come up since late June that concern public property rights and access to his ranch located in south Routt County. The railroad performed maintenance on the crossing on County Road 6A and it now is impassable with a cattle hauling truck which impacts his ranching operation. They are also impacting his internal ranch roads. When the railroad purchased the right of way between Yampa and Toponas it bisected eight ranches. They honored all of the crossings and ditches but now they are impacting access. It is Mr. Schalnus' belief that no entity can deny a person access to their property without due process or condemnation. He questioned if there is a law or a property right to maintain his access that the railroad has limited. Commissioner Hermacinski noted that the Routt County Commissioners cannot get between him and the railroad but they do have an interest in any changes made to county roads that impacted the way ranches can use these roads.

Commissioner Hermacinski noted that the modification to the railroad crossing on County Road 6A is in the interest of the County and the Board will ask Mr. DuBois and Mr. Knaus work on this issue. If the new railroad crossing is not acceptable for ranching vehicles or equipment to drive over without bottoming out then it needs to be modified. Mr. DuBois noted that he can look at the alternate, south traveling route and figure out what to do to make that an easier route in the interim while they are waiting for the railroad to respond to a request for a modification.

Mr. Schalnus commented that his other issue is the internal ranch crossings. Commissioner Hermacinski stated that the County cannot get involved between two private parties. That is the role of the courts to do that and constitutionally the county cannot get involved. He will need to get the ear of the railroad people in order to address that issue and the county can share contact information with him if they have it.

Ms. Landers stated that she is present to discuss the lack of regulations surrounding nightly vacation rentals similar to Mr. Craigen's comments. She knows that the County is aware that there are approximately 500 nightly vacation rentals in the County. She is a professional property manager and she has a vested economic interest in the County creating regulations for this use. Commissioner Monger noted that there are many people that are entirely opposed to the process of allowing nightly rentals. Ms. Landers understands but she also knows that the City of Steamboat requires neighbor approval, inspections, and regulations and she believes that the County can adopt similar regulations. She offered her assistance to the County and expressed her desire to participate in the creation of regulations regarding this type of lodging. Commissioner Hermacinski replied that she knows that it is going on in large numbers and she believes that the County needs to take another look at it.

EN RE: ECONOMIC DEVELOPMENT UPDATE / JOHN BRISTOL

Kara Stoller, Steamboat Chamber Resort Association, and Cole Hewitt, Chair of Economic Development Committee, were also present.

UPDATE

Mr. Bristol gave an update regarding recent economic development program activities that are occurring around the county. He discussed Economic Development Council's meeting topics and the focus of each of the three subcommittees.

Mr. Bristol noted that he has been maintaining relationships with strategic partners that have been identified in this area and he continues to follow what economic development work they do. In particular he discussed the benefits of businesses signing up for Enterprise Zone and receiving tax credits.

Two grants were applied for through OEDIT, one for a film festival and one for an outdoor recreation project, but only the film festival was awarded. There were a number of other economic development activities being partially funded with grant awards.

Mr. Bristol commented on the industry cluster program that is focusing on outdoor recreational good manufacturers and creative industries. If there are other business sectors that the potential for growth exists then he would like to hear those suggestions. The business that was considering relocating to Hayden decided not to relocate from Utah.

The Economic Development Council set a goal this year of telling their story so marketing and communications have been an effort. The hope is to communicate what economic development is and to educate the community. This has been being done by publishing a newsletter and Ms. Stoller wrote a letter to the editor in the Steamboat Pilot.

EN RE: EMERGENCY MANAGEMENT / DAVID “MO” DEMORAT

STAGE 2 FIRE RESTRICTIONS

Mr. DeMorat stated that this item is that consideration to enact Stage Two fire restrictions. The fire indices were received late last night and discussed this morning on a call with the fire districts in Routt County. It was indicated that Routt County currently meets two out of seven indices. Routt County was meeting five out of seven indices consistently over the past month and the reduction of indices is due in part to the precipitation over the weekend.

The two indices being met are the 1,000 fuel moisture content is 9% or less below 8,000 feet or 12% or less above 8,000 feet and the drought indicators.

Commissioner Hermacinski asked if it would be recommended to rescind the Stage One restrictions at this point due to the lowering of fire risk. Mr. DeMorat replied no, the recommendation is to stay in Stage One because it is anticipated that we will continue to have dry and hot weather in the forecasted future.

Mr. DeMorat noted that Rio Blanco County and Jackson County will remain in Stage Two fire restrictions. There is going to be a drying trend this weekend on therefore it would be advisable to remain in Stage One for Routt County. The fire concern will be assessed again next Tuesday in the weekly call with the fire districts and Forest Service partners.

Commissioner Monger noted that he is not in favor of rescinding the current Stage One fire restrictions but he is a little leary of staying in when only two of the indices are being met. The reason that he is in favor of maintaining the current restrictions is because the weather pattern will continue to raise the fire risk and if there is precipitation it has not been consistent throughout the county.

MOTION

Commissioner Monger moved to table the consideration to enact Stage Two fire restrictions to August 14, 2018.

Commissioner Hermacinski seconded; the motion carried 3-0.

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

Kim Bonner, Clerk and Recorder

Douglas B. Monger, Chair

Date