

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
September 11, 2018**

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

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**MOTION**

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

Accounts Payable Check- Cycle Date:	9/3-9/7	\$1,069,679.61
Accounts Payable Check: Manuals	9/3-9/7	\$0.00
Accounts Payable Wires:	9/3-9/7	\$0.00
Total:		\$1,069,679.61
Payroll Checks- Cycle Date:	9/3-9/7	\$0.00
Payroll Checks- Manuals	9/3-9/7	\$0.00
Payroll – IRS & State Income Tax	9/3-9/7	\$0.00
Total:		\$0.00
Total Disbursements Approved:	9/3-9/7	<u>\$1,069,679.61</u>

Commissioner Hermacinski seconded.

Mr. Sullivan advised of the Accounts Payable items for run date September 7, 2018.

Vendor	Amount	Department
COLORADO MOUNTAIN COLLEGE	5,197.75	EXTENSION: CMG STATE CONF LODGING

DUCKELS CONSTRUCTION INC	296,524.94	Public Works/R&B – Butler Creek Bridge Construction
KILGORE CO	55,703.34	Public Works/R&B – Gravel Purchases: various roads including CR62, 60, 129, 42
ENVIROTECH SERVICES INC	28,037.01	Public Works/R&B – Mag Chloride payment of retained earnings
GMCO CORP	232,081.06	Public Works/R&B – 2018 Chip & Seal and Fog Seal Program
OLDCASTLE SW GROUP, INC.	158,476.96	Public Works/R&B – 2018 Asphalt Road Patch Material
ADVANCED TOWER SERVICES INC	12,088.80	Comm Center: Oak Creek Tower Site Improvements to meet OSHA Standards
RESOURCE EXPLORATION LLC	40,000.00	BCC Office – Priority Based Budgeting Project
AP Run Date Total	1,069,679.61	

The motion carried 3-0.

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

Commissioner Monger noted that the Board received updates from the County Manager, County Attorney, Human Resources Director, Building Official, and Planning Director.

**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 July 31, 2018.
- B. Approval of and authorization for the Chair to sign an Intergovernmental Agreement (IGA) to provide Building Department Services to the City of Steamboat Springs, Colorado.
- C. Approval of and authorization for electronic submission for the Human Resource Coalition grant application in the amount of \$153,663 for Routt County as Fiscal Agent for Routt County Early Childhood Council.
- D. Approval of the State Human Services Electronic Benefit Transfer in the amount of \$157,983.76 through June 2018.

- E. Approval of and authorization for the Chair to sign the Temple Hoyne Buell grant award in the amount of \$61,194 for Routt County Early Childhood Council.
- F. Approval of and authorization for the Chair to sign the regional contract for Routt County to take over processing the regional mental health and substance use core services for the 5 county region of Grand, Jackson, Moffat, Rio Blanco, and Routt.
- G. Approval of and authorization to sign a zoning resolution; PL-17-171.

#### **MOTION**

Commissioner Corrigan moved to approve items A, B, C, D, E, F, and G on the consent agenda and authorized the Chair to sign the related documents. Item G is Resolution 2018-042 and noting that Item C authorizes the signature of the Human Resources Director.

Commissioner Monger seconded; the motion carried 3-0.

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

No members of the public were present for comment.

#### **EN RE: CLERK AND RECORDER / KIM BONNER**

Barbara Houston, Deputy Recorder, was present.

#### **SPECIAL EVENT LIQUOR LICENSE FOR STEAMBOAT SPRINGS ARTS COUNCIL**

Ms. Houston stated that this is the consideration for approval and authorization for the Chair to sign a Special Event Liquor License for Steamboat Springs Arts Council for an event to be held at La Joya Dulce, 47050 County Road 129, Steamboat Springs on September 19, 2018 from 5:00 PM to 10:00 PM.

#### **MOTION**

Commissioner Corrigan moved to approve and authorize the Chair to sign a Special Event Liquor License for Steamboat Springs Arts Council for an event to be held at La Joya Dulce, 47050 County Road 129, Steamboat Springs on September 19th, 2018 from 5:00 PM to 10:00 PM.

Commissioner Hermacinski seconded; the motion carried 3-0.

#### **EN RE: ABATEMENTS**

Gary Peterson, Sarah Hagenbuch, Sarah Healy, Cathy Hutchinson, Susan Siggson, and Angela Finnegan, Assessor's Office; Brita Horn and Patrick Karschner,

Treasurer's Office; Erick Knaus, County Attorney; Steven Klenda, Adroit Advocates representing Treasurer Horn; and Christy Belton, tax agent for Mystic Canyon Ranch, were present.

### **R6552546 WAGGONER**

Ms. Finnegan stated that the petitioner submitted a 2017 petition for abatement of taxes for the account referenced above without providing a requested value or any comparable sales. The petitioner also submitted a 2018 protest that was denied and not pursued to the next level. When speaking to the petitioner regarding her 2018 protest, Ms. Finnegan explained that only the value (not the taxes or mill levy) can be disputed. In speaking to Ms. Finnegan it was discovered that Ms. Waggoner was requesting how the mill levy can be changed and wanted a decrease in taxes not necessarily a decrease in the value.

### **MOTION**

Commissioner Monger moved, in the account of R6552546, to deny the petition for abatement based on the fact that no information was provided to justify an adjustment in value.

Commissioner Corrigan seconded; the motion carried 3-0.

### **R6166183 MYSTIC CANYON RANCH**

Mr. Peterson stated that two large outbuildings were discovered on this property that were not on the tax roll that had been constructed in 2014 and 2015. A Special Notice of Value (SNOV) was sent to the property owner for omitted property missing from the tax roll. This is a regular practice. The notices went out in late October and after a month long appeal window the tax roll correction is sent to the Treasurer's Office. On 12/27/2017 the tax roll correction was processed by the Treasurer's Office and was added to the tax roll. In late February an interest charge appeared for approximately \$400. Mr. Peterson received a call from Ms. Belton in early March inquiring about the interest charge.

Mr. Peterson continued that he contacted the Division of Property Taxation (DPT) and did some research on the matter. It appeared that the interest clock should not have started until the additional assessment was notified to the property owners. Mr. Peterson added that statute states "interest shall not be charged prior to the date on which additional assessment is made".

Commissioner Monger asked when "additional assessment is made" is defined as. Mr. Peterson replied that this is what is up for interpretation. On an amended property the DPT and another statute say that the taxes are levied on the date the revised tax bill is mailed however the Treasurer disagrees.

Commissioner Monger asked for clarification on the actual abatement amount being requested. Mr. Peterson noted that the only amount being contested is the charging of back interest by the Treasurer prior to the date on which the additional assessment was made which is approximately \$522. The abatement request from Ms. Belton did not state an exact amount.

Commissioner Corrigan asked how many SNOVs are mailed out each year. Mr. Peterson replied that there are about 15-25 each year for omitted property. The SNOVs are sent out immediately unless there is something prohibiting the Assessor's Office from sending it right away.

Commissioner Corrigan clarified that these are agricultural buildings. Mr. Peterson noted that they are agricultural buildings therefore they did not require building permits and there was no deception on the end of the property owner.

Commissioner Monger stated that the Board can hear from the Treasurer regarding this abatement. Commissioner Corrigan asked if it is necessary. The Treasurer sent a letter regarding the opinion of her office and the Board already read it. He is extremely frustrated by the legal mumbo jumbo and conflicting statutes. He feels that what the Assessor has presented is fair and the right thing. The petitioner did not know that they owed any money or were generating interest. How the Board goes about rectifying this is the only question in his mind. Commissioner Hermacinski noted that she is interested in hearing the Treasurer speak. She also noted that she believes that even the most diligent of citizens does not check the Routt County website to see if their property has been reassessed therefore it is up to the County to notify the citizens when they owe money.

Mr. Klenda stated that this does not just involve "legal mumbo jumbo", which happens to matter in this case. The statute only allows the Board of County Commissioners to do particular things at particular times not just do the right thing because it feels like it. The decision of the Board here in a context of the Assessor accusing the Treasurer of illegally charging interest not only affects the treasurer here but also treasurers in other counties. What the Assessor has done is to pick out a particular statutory provision out of context not paying attention to the definition that applies and essentially turn a personal disagreement into an illegal act and that is wrong.

Commissioner Corrigan asked if the Assessor filed charges against the Treasurer. Mr. Klenda responded no. Commissioner Monger stated that he does not know that there was an illegal act or the accusation of an illegal act, it is a disagreement of the interpretation of the statutes.

Mr. Klenda stated that the statute for abatement applies to only illegal or erroneous acts. The Colorado Supreme Court says that there are only four things that qualify as that definition. One of the things that qualifies is in the Boulder v. HealthSouth Corp. case noted in the letter sent by Treasurer Horn and it can be treated as "mumbo jumbo" if you like. Commissioner Corrigan stated that he apologizes for his use of the term "mumbo jumbo" whereas "conflicting interpretation" would have been a better word choice.

Commissioner Hermacinski stated that this is becoming a very expensive meeting for the tax payers so in the interest of putting it to bed she is going to make a motion.

## **MOTION**

Commissioner Hermacinski moved to deny the abatement but to work with the petitioner to give them \$522.98 from the general fund therefore they are not running afoul in the analysis of the Treasurer and they can make it right with the citizens.

Mr. Klenda stated that the Treasurer objects because that is an end around the statute. Commissioner Monger stated that he understands but the Board is not rebating anybody else's interest, the money will come out of the general fund.

Commissioner Corrigan seconded; the motion carried 3-0.

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

Kathy Nelson, Human Resources Generalist, was present.

### **GREIVENCE HEARING**

At 1:00 p.m., Commissioner Monger moved to enter Executive Session pursuant to C.R.S. 24-6-402 (4)(f)(i) – Personnel Matters. Those present include County Commissioners Monger and Corrigan, Public Works Director and Assistant Director, the County Manager, the employee and the Human Resources Generalist.

Commissioner Hermacinski seconded; the motion carried 2-0.

The executive session adjourned at 1:24 p.m. No minutes or formal actions were taken during the executive session and no decisions were made.

### **MOTION**

Commissioner Corrigan moved, pursuant to sections 5.11.8 and 5.11.9 of the Employee Handbook, to uphold the findings of the grievance committee.

Commissioner Monger seconded;

Under discussion, Commissioner Monger added that Commissioner Hermacinski recused herself from the executive session and deliberation due to a potential conflict of interest.

The motion carried 2-0.

## **NEW LEAD LINE COOK POSITION AND PAY SCALE**

Ms. Nelson stated that Airport Director Kevin Booth is requesting to add a lead line cook position and proposed pay scale at the Yampa Valley Regional Airport restaurant. This position will manage the line cooks and assist with their on the job training. In the absence of either or both the Restaurant Manager and Assistant Restaurant Manager this roll will fill the leadership roles in the kitchen. In addition, the lead line cook responsibilities will allow the Restaurant Manager and Assistant Restaurant Manager additional time to focus on their administrative

duties during business hours instead of working additional hours. This position will also provide an opportunity for an existing line cook to be promoted and compensated in line with their capabilities and leadership potential.

Ms. Nelson added that she has reviewed Mr. Booth's proposed lead line cook job description and pay scale against 2018 Colorado Ski Areas Compensation and 2017 Occupational Employment and Wage Rates for All Detailed Occupations in Northwest Colorado data as well as salary data on multiple internet sites. This position is benchmarked against a sous chef salary and job description and the data supports Mr. Booth's proposed lead line cook pay scale.

Commissioner Monger noted that this is not adding a position, instead it will be reclassifying a current employee.

Mr. Sullivan noted that he reviewed the job description and pay scale along with the justification submitted by Mr. Booth. He approved the job description and agreed with the materials provided for the pay scale.

#### **MOTION**

Commissioner Hermacinski moved to approve a new lead line cook pay scale.

Commissioner Corrigan seconded; the motion carried 3-0.

#### **EN RE: PURCHASING / JULIE KENNEDY**

Fred Honebein, Purchasing Agent; Geovanny Romero, Public Works; and Mo DeMorat, Emergency Management, were present.

#### **624 EMERGENCY SERVICES F250 TRUCK REPLACEMENT STATE BID**

Mr. Honebein stated that this is the consideration for approval of purchase and authorization of chairperson to sign a purchase order to Spradley Barr Motors, Fort Collins, CO in the amount of \$33,105.84 for one (1) 2018 Ford F250 truck for the Emergency Services. The Truck will also need approximately \$9,000.00 dollars of electronic equipment installed by Avtech.

Mr. Romero noted that this vehicle is being replaced one year ahead of schedule because it hit a deer. Commissioner Monger noted that the Attorney's Office has filed for insurance on the vehicle.

Commissioner Hermacinski asked if this vehicle will have a topper on it. Mr. Romero replied yes, that was part of the bid price. It is a double cab as well. This purchase is on a state bid.

#### **MOTION**

Commissioner Corrigan moved to approve and authorize the Chair to sign a purchase order to Spradley Barr Motors, Fort Collins, CO in the amount of \$33,105.84 for one (1) 2018 Ford F250 truck for the Emergency Services and approve approximately \$9,000.00 dollars of electronic equipment installed by Avtech.

Commissioner Hermacinski seconded; the motion carried 3-0.

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

### **FIRE RESTRICTIONS**

Mr. DeMorat stated that the weekly fire restriction call was held this morning. He was the only participant from Routt County on the call however the neighboring counties and federal partners were on the call. His recommendation is to remain in Stage 1 Restrictions. Within the County everything remained status quo however there was a red flag warning issued today and more anticipated for the weekend.

Mr. DeMorat noted that Rio Blanco County will be coming out of restrictions on Saturday morning and Grand County will be coming out of restrictions on Thursday morning. Moffat and Jackson Counties will remain in Stage 1 Restrictions and the federal partners will mirror the restriction level of the counties.

Mr. DeMorat added that Routt County is at two of seven indices but they have not been consistent and he would like them to remain consistent for two weeks before deciding to come out of restrictions. He does not want to see the County chasing the fluctuating indices.

### **MOTION**

Commissioner Hermacinski moved to table the consideration to rescind Stage 1 Restrictions to September 18, 2018 and to remain in Stage 1 Restrictions.

Commissioner Corrigan seconded; the motion carried 3-0.

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

Mark Wellstone, applicant, and Alan Goldich, Planning, were present.

### **WELLSTONE VARIANCE; PL-18-173**

Mr. Weinheimer stated that the applicant is requesting the ability to get a waiver for an application fee for a variance for an existing barn that is currently going through the Board of Adjustments. There was a barn structure on the property line between two lots. Staff became aware of it when a building permit was applied for on one of the lots. The structure was required to be moved from the property. Now the partially collapsed barn is in the setback and this is why



he needs a variance. The barn is likely to collapse entirely in the next few years and he is seeking a modification of the fee.

Mr. Wellstone noted that he sold the second property to the now owner and they knew all along that the barn was on the lot line however they did not think it would be a hindrance to receiving a building permit. A ton of man hours, labor, and money were invested in the moving and modification of this barn. Once it was realized that the barn was going to fall down they stopped moving it and removed the back half. He does not intend to repair the barn or rebuild in the same location. He is requesting this because of the large investment that has been made in moving the barn.

Commissioner Monger asked how this can be recorded as a temporary variance so a future property owner can't replace the barn in the same location. Mr. Phillips replied that if the Board of Adjustment grants the variance then the Planning Department has it on file. Commissioner Monger responded that agricultural buildings do not require building permits therefore nobody would be contacting the County before building one. Commissioner Corrigan noted that the property owner on the other side would be aware most likely. Mr. Wellstone stated that he has an agreement with his neighbor that if the barn ever were to be re-built that it would be done so in an area that is outside of the setback.

Commissioner Hermacinski asked why Mr. Wellstone did not request that the entire fee be waived instead of requesting it to be \$100. Mr. Wellstone responded that he was attempting to not appear confrontational. Commissioner Hermacinski noted that she supports waiving the fee altogether.

### **MOTION**

Commissioner Hermacinski moved to waive the variance application fee for Mr. Wellstone, PL-18-173.

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