

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
October 16, 2018**

Commissioner Cari Hermacinski, Chair Pro Tem, called the regular meeting of the Routt County Board of County Commissioners to order. 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. Commissioner Douglas B. Monger was absent.

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:	10/8-10/12	\$1,215,394.22
Accounts Payable Check: Manuals	10/8-10/12	\$0.00
Accounts Payable Wires:	10/8-10/12	\$0.00
Total:		\$1,215,394.22
Payroll Checks- Cycle Date:	10/8-10/12	\$0.00
Payroll Checks- Manuals	10/8-10/12	\$0.00
Payroll – IRS & State Income Tax	10/8-10/12	\$0.00
Total:		\$0.00
Total Disbursements Approved:	10/8-10/12	<u>\$1,215,394.22</u>

Commissioner Hermacinski seconded.

Mr. Sullivan advised of Accounts Payable items of note for run date October 8, 2018.

Vendor	Amount	Department
AVTECH ELECTRONICS INC	9,278.84	Motor Pool Account: Sheriff Patrol Vehicle Grill Guard, Light Bar, Speaker, and other accessory

COLORADO ENERGY SYSTEMS LLC	14,067.60	Comm Center: Farwell Battery Array for Electrical Service
HAYDEN SCHOOL DISTRICT NO. RE 1 BABSON CARPENTER CAREER & TECH EDUCATION CENTER	16,250.00	Facilities Management: Fairgrounds RV Park Project – Dry Creek Bridge
JVIATION INC	29,458.09	YVRA: Engineering AIP 44-3 – Apron Expansion and Rehabilitation
LEWAN & ASSOCIATES INC	4,191.32	IT Dep: Cisco Switch Maintenance Agreement
MGT OF AMERICA INC	4,250.00	Accounting: FY 2017 Cost Allocation Plan
SOUTH ROUTT SCHOOL DISTRICT RE-3	14,958.45	Public Works/R&B: USFS DISTRIBUTION TO SCHOOLS
COUNTY OF ROUTT SCHOOL DISTRICT RE2	110,825.27	Public Works/R&B: USFS DISTRIBUTION TO SCHOOLS

The motion carried 2-0.

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

Commissioner Hermacinski noted that the Board received updates from the County Manager, County Attorney, Public Works Director, CSU Extension Office Director, and were given the 2019 budget presentation from the Finance 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 September 4, 2018.
- B. Approval of and authorization for signature on the Colorado Department of Human Services Office of Early Childhood contract amendment to fund child care network for technical assistance for all early childhood services with a reallocation of funding for an additional \$9,166.67 (\$14,166.97 total) for the time frame of July 1, 2018 – June 30, 2019 for Routt County as fiscal agent for Routt County Early Childhood Council.
- C. Approval of and authorization for the Chair to sign the onsite support agreement for the Communications Department PSAP E-911 phone system with Century Link Sales Solutions.
- D. Approval of and authorization to appoint Kathy Nelson to the Retirement Committee replacing Chris Hensen effective October 1, 2018.

- E. Approval of the State Human Services Electronic Benefit Transfer in the amount of \$155,728.57 through July 2018.

MOTION

Commissioner Corrigan moved to approve items A, B, C, D, and E on the consent agenda and authorized the Chair to sign the related documents.

Commissioner Hermacinski seconded; the motion carried 2-0.

EN RE: PUBLIC COMMENT

Bob Weiss, citizen, and Erick Knaus, County Attorney, were present.

Mr. Weiss stated that the Steamboat Springs Fire District Board had their inclusion hearing the previous night. The purpose of the meeting was to decide if they will include the City of Steamboat Springs within the fire district then schedule an election on May 7th for the district. Mr. Weiss represents some of the property owners who filed petitions to be excluded from the inclusion. Those petitions were filed on a form that states in their opinion that the governmental body with the authority to make the decision on those exclusions is the Board of County Commissioners. Last night the board for the fire district referred the petitions to the County Commissioners. That opinion is based on the statutory language in the inclusion statute under the special district control act. Last night the fire district sent the petitions to the County. He expects that the process and standard for making determinations for these petitions has yet to be identified.

Commissioner Hermacinski asked if the petitions will be referred in a formal way. Mr. Weiss noted that the fire district board passed a resolution however it is not public at this point.

Mr. Knaus stated that he spoke with the representative from the fire district the previous day. He believes that the County Commissioners have review authority however the statute is not entirely clear and DOLA holds the differing opinion that it is the responsibility of the fire district that hears those petitions. Mr. Knaus had indicated that if the district requests that the County Commissioners hear the exclusion petitions then the request would need to be formally in writing and include what they believe is the statutory authority for the Commissioners to review those requests.

Commissioner Hermacinski asked if there is clarity in the statute of how the County Commissioners would conduct this type of hearing and who has the burden of proof. Mr. Knaus stated that the district has the burden of proof to show that the exclusions are not in the best interest of the special district but there is no formal format for the hearing statutorily.

Commissioner Hermacinski asked what the recourse is for citizens or the district if they are not happy about the decision that the County Commissioners make. Mr. Knaus replied that he does not believe that the County is prepared to hear over 400 petitions so one way to deal with that is to ask the petitioners to appoint a representative if they all share the same information. He does not see a direct appeal possibility of the County Commissioners however

from a process perspective once Commissioners make a decision and adopt a resolution, the district applies to the district court for its orders including an election. There is no TABOR ballot coming up for the district, it will only be the inclusion question, and that is where the voters have the ultimate authority. Mr. Knaus noted that he does not see an option for either party to appeal to the district court regardless of which body hears this.

Commissioner Corrigan asked what kind of a deadline this will require. Mr. Knaus replied that it is up to the County Commissioners although the district wants to see this go to ballot in May 2019. Mr. Sullivan added that the County needs to see the resolution from the district first.

Mr. Weiss questioned if the district's service plan would need to be amended. Commissioner Hermacinski replied that it is the Board's belief that a change to the boundary is not a material modification therefore the Board would not need to hear that question.

EN RE: PLANNING / CHAD PHILLIPS

Kristy Winser, Planning, was also present.

ADOPTION OF HOUSEKEEPING AMENDMENTS TO THE ROUTT COUNTY ZONING REGULATIONS; PL-18-132

Ms. Winser stated that these amendments were last seen by the Board on August 28th. No changes have taken place since it was last seen and direction was given by the Board to schedule these amendments for adoption. The County Attorney has reviewed the resolution and exhibit A.

The changes made are as follows:

- Take out Commuter Zone from Section 2 Definitions & 5.3.1 table.
- 3.4.4. Powers and Duties of the BOA – separate into two sentences.
- 3.4.6. Remove both “profit” and “cost of development” from this section.
- 7.3.1. Eliminate the zone change from the PUD process in order to streamline the process.
- 5.9.3 Exemptions- to correct a typo in the sentence.

Ms. Winser noted that regarding the Secondary Dwelling Unit discussion, there was general consensus to allow SDUs in all residential zone districts, provided that the lots are served by central water and sewer. The other discussion item related to SDU's was whether SDUs on parcels of 35 acres or less must be attached to the Primary Dwelling Unit. After further discussion with the Planning Commission, there was general consensus to allow detached SDUs in all cases where SDUs are allowed, provided that all setbacks and other requirements are met. However it was suggested that for parcels of less than 35 acres, to decrease the max separation allowed from 300 foot separation to 200 feet. It should be noted that maximum separation can be appealed through the variance process.

MOTION

Commissioner Corrigan moved to adopt Resolution 2018-P-074, an amendment to the Routt County Zoning Regulations.

Commissioner Hermacinski seconded; the motion carried 2-0.

EN RE: PURCHASING / JULIE KENNEDY

Ray DuBois and Geovanny Romero, Public Works, were also present.

RFP 622 10% SALT/SAND 20108

Ms. Kennedy noted that she is requesting the consideration for the approval of the award and authorization for of the County Manager to electronically sign the purchase order for RFP 622 10% Salt/Sand 2018 to 3B Enterprises in the amount of Twenty Seven Thousand Four Hundred Eighty (\$27,480.00) Dollars for the Routt County Public Works Department.

Mr. Romero stated that this is the annual purchase of salt/sand and 3B Enterprises provided the lowest bid. They met all of the requirements and we will pick up the product as needed from their location in Craig.

Commissioner Corrigan asked if this will need a supplemental budget. Mr. Romero replied that this came in a little over budget however based upon how much material is needed we could come in under budget.

MOTION

Commissioner Corrigan moved to approve the award and authorization for the County Manager to electronically sign the purchase order for RFP 622 10% Salt/Sand 2018 to 3B Enterprises in the amount of Twenty Seven Thousand Four Hundred Eighty (\$27,480.00) Dollars for the Routt County Public Works Department.

Commissioner Hermacinski seconded; the motion carried 3-0.

IFB 620 CULVERTS 2018

Ms. Kennedy stated that this is the request for the consideration of the approval for the award and authorization for the County Manager to electronically sign the purchase order for IFB 620 Culverts 2018 to Ace/Eaton Metals in the amount of Forty Three Thousand Two Hundred Ninety Dollars and Twenty Eight Cents (\$43,290.28) Dollars for the Routt County Public Works Department. Typically there are three vendors but this year only two responded on time.

MOTION

Commissioner Corrigan moved approve the award and authorization for the County Manager to electronically sign the purchase order for IFB 620 Culverts 2018 to Ace/Eaton Metals in the amount of Forty Three Thousand Two Hundred Ninety Dollars and Twenty Eight Cents (\$43,290.28) Dollars for the Routt County Public Works Department noting that this may require a supplemental budget.

Commissioner Hermacinski seconded; the motion carried 2-0.

EN RE: PUBLIC WORKS / RAY DUBOIS

Mike Mordi, Assistant Public Works Director, was also present.

REVISED IGAS BETWEEN ROUTT COUNTY AND CDOT

Mr. Mordi noted that he has two revised IGAs between CDOT and Routt County that he is requesting approval of today.

Mr. Mordi explained that the first IGA is for the cleanup of the Butler Creek Bridge grant. The County was awarded off system bridge funding to replace the Butler Creek Bridge on County Road 67. The original IGA was signed in 2013. In November of 2017 Road and Bridge asked the Special Highway Committee for an additional \$174,645 to make up the difference between the original grant request and the final bid for the bridge of \$1,077,978.50. Road and Bridge received a letter in February of 2018 informing of the award of the monies. This money is awarded at 80% with a 20% county match. This IGA will replace the previous IGA signed in 2017. The new IGA has been reviewed by Road and Bridge and Legal.

Mr. Mordi stated that the second IGA is for the Green Truss Bridge. The County was awarded off system bridge funding to replace the Green Truss Bridge on County Road 67. The original IGA was signed in 2016. In September of 2018, Road and Bridge was given a notice to proceed to bid the project for construction. Road and Bridge received an email from CDOT informing us that we needed to sign the updated IGA. This IGA will replace the previous IGA signed in 2016. The new IGA has been reviewed by Road and Bridge and Legal.

MOTION

Commissioner Corrigan moved to approve and authorization for the Chair to sign the revised IGA for additional grant funds of \$174,645 between Routt County and the Colorado Department of Transportation for the replacement of the Butler Creek Bridge on County Road 67 in the total grant amount of \$1,077,978.50 with a local match of \$215,595.70.

Commissioner Hermacinski seconded; the motion carried 2-0.

MOTION

Commissioner Corrigan moved to approve and authorization for the Chair to sign the revised IGA between Routt County and the Colorado Department of Transportation for the

replacement of the Green Truss Bridge on County Road 67 in the amount of \$861,320 with a local match of \$172,264.

Commissioner Hermacinski seconded; the motion carried 2-0.

EN RE: ROUTT COUNTY SHERIFFS OFFICE / GARRETT WIGGINS

Molly Lotz, Peer Support Program; and Marnie Smith, Steamboat Springs Fire Rescue, were present.

DOLA GRANT APPLICATION

Ms. Lotz stated the Peer Support Program is for first responders and is a nationwide program. She is the clinical oversight for that program locally and is an Licensed Social Clinical Worker. She was approached by Undersheriff Doug Scherar regarding enhancing this program and providing it to dispatch and the Sheriff's Office. He proposed applying for this grant in order to find funding for local peer support training. There are about 30 local first responders that are interested in receiving that training in order to be the first line of mental health support for their peers in uniform. This benefits the local first responder community because they can stay here instead of going to the Front Range to participate in this program. Undersheriff Scherar is also requesting funding for the cost for a Peer Support clinical advisor to provide or coordinate counseling services.

Commissioner Hermacinski asked if this is only for the Sheriff's Office or will other first responders be able to participate. Ms. Lotz replied that any first responders are invited to attend this training and become a trained peer support provider.

Commissioner Corrigan asked how much the grant application is for. Commissioner Hermacinski replied that Undersheriff Scherar is requesting \$20,000. Ms. Lotz added that Undersheriff Scherar is trying to enhance critical incident debriefing locally through this grant.

Ms. Lotz noted that there is already a training scheduled for mid-March and this grant is a first come first serve funding model.

MOTION

Commissioner Corrigan moved to approve the application of the Colorado Department of Local Affairs Peace Officer's Mental Health Support Grant.

Commissioner Hermacinski seconded; the motion carried 2-0.

EN RE: ABATEMENTS

Gary Peterson and Sarah Healy, Assessor's Office, were present.

R3827070 DAVIS

Mr. Peterson stated that the petitioner had applied for, and was qualified for, the senior property tax exemption since 2014. For the property tax exemption to be applied to an account two different fields must be marked during the data entry process; however, only one field was selected in a clerical error by the assessor staff. The result of this error is the senior exemption not being applied to this property owner's account for the last four years. The petitioner has filed an abatement request for the exempted taxes paid in 2016 & 2017. Instruction of the assessor's staff to the property owner was the limit on abatements is two years, this error is not necessarily covered under the abatement process, and any refund would be coming from the county, if approved by the commissioners.

Mr. Peterson noted that the senior program is set up so that exempted taxes are reimbursed to each county by the State, however, there are no provisions within the statutes to account for clerical errors by the counties. Council from the Division of Property Taxation says the Board of County Commissioners, at their discretion, can choose to refund from their general fund.

Commissioner Hermacinski noted that the only decision the Board is making is if they will be refunding two years or four years and if interest will be refunded.

Mr. Peterson ran this past the County Attorney several months ago and we believe it is completely up to the Board to make this decision.

Commissioner Corrigan stated that he appreciates the Assessor taking responsibility for this error and providing a thorough explanation. He believes that the two year exemption is fair and that the tax payer has some responsibility to follow up if they think their tax bill was incorrect. Also, he does not believe interest would be refunded.

MOTION

Commissioner Corrigan moved to approve the petitioner's request for the senior property tax exemption for tax years 2016 & 2017 as the exemption not being applied was fully due to assessor staff clerical error. The refund amount would be \$653.21 for tax year 2016 & \$714.24 for tax year 2017 (total \$1367.45). The refund amount granted by this Board will come solely from the County's General Fund, unlike typical abatements.

Commissioner Hermacinski seconded; the motion carried 2-0.

EN RE: COMMUNICATIONS CENTER / JASON NETTLES

COMMUNICATIONS CENTER MOVE PROFESSIONAL SERVICES AGREEMENT

Mr. Nettles stated that the level of complexity and coordination to move the Communications Center equipment is very high. He is requesting the consideration to waive the formal bid process and approve the Professional Service Agreement related to the communications equipment move and installation for the Communications Center at the CLEF.

Mr. Nettles added that QDS Communications is the firm with the most knowledge and expertise of the Routt County Communications equipment. QDS Communications is Routt County's primary vendor, servicer and supplier of all of our Motorola radio systems and equipment. QDS also acts as our selected regional distributor and service center. QDS works well with Century Link, our current e911 vendor, and has a strong relationship with Spillman/Motorola Solutions, our CAD system vendor. Mr. Nettles noted that the proposed expenditure is \$97,138.00.

MOTION

Commissioner Corrigan moved to waive the formal bid process and authorize the Emergency Operations Director to sign the Professional Service Agreement for the coordination, labor and materials to move the Communications Center to the new CLEF with QDS Communications, Inc. upon approval of the County Attorney's office.

Commissioner Hermacinski seconded; the motion carried 2-0.

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

Kim Bonner, Clerk and Recorder

Douglas B. Monger, Chair

Date