

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
November 26, 2019**

Commissioner Beth Melton, Chair, called the regular meeting of the Routt County Board of County Commissioners to order. Commissioner Douglas B. Monger, Commissioner Tim V. Corrigan, Deputy County Manager Dan Weinheimer, and County Manager Tom Sullivan were also present. Those present recited the Pledge of Allegiance. Deanna Sanchez recorded the meeting and prepared the minutes.

**EN RE: WARRANTS**

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

Accounts Payable Check- Cycle Date:	11/18-11/22	\$1,370,728.30
Accounts Payable Check: Manuals	-	\$
Accounts Payable Wires:	-	\$
<b>Total:</b>		<b>\$1,370,728.30</b>
Payroll Checks- Cycle Date:	-	\$
Payroll Checks- Manuals	-	\$
Payroll – IRS & State Income Tax	-	\$
<b>Total:</b>		<b>\$</b>
Total Disbursements Approved:	11/18/19-11/22/19	<b>\$1,370,728.30</b>

Commissioner Corrigan seconded.

Mr. Sullivan advised of the 2019 Accounts Payable.

Vendor	Amount	Department
TUCK COMMUNICATION SERVICES INC.	5,281.00	IT: Replacement Phones for Mitel System (12)
COLORADO KENWORTH INC	279,742.00	Heavy Equipment Pool: 2020 KW T800 Plow Truck with blade

CML SECURITY LLC	20,361.02	Building & Plant Pool: Video Camera Replacements at Adult Detention Center
DUCKELS CONSTRUCTION INC	59,327.98	Road & Bridge Infrastructure Budget Pool: Green Truss Bridge: Paid \$1,045,629.53 with \$128,007.97 remaining
Distribution of Last Quarter funding distribution of Dedicated mill levies and budget support to District Attorney		
LEWAN & ASSOCIATES INC	117,798.00	IT Pool: ExaGrid Backup Storage System with 5-Year Support and Maintenance
MUNICIPAL EMERGENCY SVCS INC	8,370.00	YVRA: Emergency Bunker Gear
NORTH ROUTT FIRE PROTECTION DI	1,502.00	Wildfire Budget: MILL CREEK 2 FIRE:NORTHROUTT FPD:AUGUST 21, 2019
NORTH ROUTT FIRE PROTECTION DI	953.00	INDIAN RUN FIRE:NORTH ROUTT FPD:AUGUST 18, 2019
OAK CREEK FIRE PROTECTION DIST	3,900.91	Wildfire Budget: INDIAN RUN FIRE:OAK CREEK FPD: AUGUST 19-21, 2019
PRECISION EXCAVATING INC	213,212.67	Road and Bridge Infrastructure Budget: Roper Bridge west Fork Elk River, includes retained earnings
CITY OF STEAMBOAT SPRINGS	230,129.90	Building & Plant Budget Pool: CLEF September billing
WEST ROUTT FIRE PROTECTION DISTRICT	14,821.81	Wildfire Budget: INDIAN RUN FIRE:OAK CREEK FPD: AUGUST AUG 17-29, 2019
WEST ROUTT FIRE PROTECTION DISTRICT	7,536.25	Wildfire Budget: MILL CREEK 2 FIRE:WEST ROUTT FPD:AUGUST 19-23 2019
CALCON CONSTRUCTORS INC	37,754.00	Building & Plant Budget: Sheriff/Adult Detention Hardscape Project
ABS AVIATION CONSULTANCY INC	18,500.00	YVRA: Market Rent Analysis
AP Run Date November 2019 Total	\$1,369,730.68	

The motion carried 3-0.

## **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 24, 2019, and October 1, 2019;
- B. Approval and authorization of the Office of Emergency Preparedness and Response contract with revised scope of work;
- C. Approval of and authorization for the Chair to sign the CDHS Certification of Compliance County Personnel and Merit System 2020;
- D. Approval of and authorization to ratify the Chair's signature on the agreement between Northwest Data Services, INC. that waived the formal purchasing process and authorized the County Manager to electronically sign the purchase order for security camera updates installation at Yampa Valley Regional Airport in the amount of \$30,743.35;
- E. Approval of and authorization for the Chair to sign a Perpetual Easement agreement for the purpose of a public road turnaround south of the terminus of Routt County Road 50;
- F. Approval of and authorization for the Chair to sign a resolution 2019-061 vacating a portion of Routt County Road 50;
- G. Approval of and authorization for the Chair to sign the West Routt Library board member resolution;
- H. Approval of and authorization for the Chair to sign a resolution designating December 6<sup>th</sup>, 2019, as Yampa Valley Gives Day.

### **MOTION**

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

Ms. Sanchez noted item H's final resolution for signatures language has been changed to "December 10<sup>th</sup>" to reflect the accurate date.

Commissioner Melton stated item F would be resolution number 2019-061, item G would be resolution number 2019-062, and item H would be resolution number 2019-063.

Commissioner Monger seconded; the motion carried 3-0.

## **EN RE: PUBLIC COMMENT**

Troy Brookshire, Routt County Planning Commission (RCPC), stated he wanted to share feelings from the RCPC. The latest timeline for the County Master Plan brings the deadline for public outreach out to August of 2021. The RCPC does not think that amount of time is necessary. The RCPC is not trying to prevent public input. They feel the plan for public outreach

is broader than it needs to be. There is a need for deadlines on these public outreach efforts. The RCPC suggest public outreach could be finished by the second quarter of 2020.

The RCPC also feels \$200,000 for public outreach is unnecessary. They would rather see the board apply for \$50,000 from the Department of Local Affairs (DOLA).

Commissioner Melton thanked Mr. Brookshire for his comments. She stated the Commissioners and Mr. Phillips, Routt County Planning Director, are discussing focus groups and phases for public outreach.

Commissioner Monger stated he is not pleased with the \$200,000 amount either. He believes the plan has been dramatized.

Commissioner Corrigan stated he is concerned about rushing this project. He would rather the public feel they had an appropriate amount of time and methods to share their input than set strict deadlines.

## **EN RE: ROUTT COUNTY BOARD OF HEALTH**

Kari Ladrow, Public Health Director, and Shawn Sonnkalb, Accounting, were present.

### **PUBLIC HEALTH IMMUNIZATIONS SUBCONTRACT WITH NORTHWEST COLORADO HEALTH**

Ms. Ladrow stated Moffat County and Routt County intend to set forth in this Agreement the terms and conditions under which the Subcontractor Northwest Colorado Health (NWCH) will provide Immunization services on behalf of Routt County Public Health. Moffat County has difficulties getting documentation needed for auditing purposes. If this is signed today, the County could hold payment until documentation is complete.

Mr. Sonnkalb stated NWCH has received their first quarterly payment for services provided.

Commissioner Monger suggested Commissioner Melton sign the documents today while authorizing Ms. Ladrow to manage the logistics.

Commissioner Corrigan noted a typo in the documents stating "June 2019".

Ms. Ladrow stated she would change the typo to "2020".

Commissioner Melton stated she would sign the documents today because she knows the County Attorneys have been involved in this process. However, she would like the Attorney stamp on the documents after the hearing.

Commissioner Melton asked what the deliverables from NWCH are.

Ms. Ladrow stated NWCH provides services for uninsured individuals as well as VFC (vaccines for children) and adults. NWCH uses evidence-based strategies to show they are following the terms of the contract. NWCH is supposed to be doing clinics in response to scares such as hepatitis B. Ms. Ladrow stated she has been running into documentation issues regarding which County the vaccines were administered at and what vaccines they are.

### **MOTION**

Commissioner Monger moved to approve and authorized the Chair to sign the Public Health Immunizations Subcontract with Northwest Colorado Health.

Commissioner Corrigan seconded; the motion carried 3-0.

### **PUBLIC HEALTH IMPROVEMENT SUBCONTRACT**

Ms. Ladrow stated her request for the Chair to sign the subcontract to the Health Partnership for sub-contracting the writing of the Public Health Improvement Plan and implementation strategies. Sub-Contract has been reviewed by attorney, Erick Knaus. The 2020-2024 Public Health Improvement Plan for Moffat and Routt Counties is a mandatory requirement in the State of Colorado for Local Public Health Agencies to complete. The development of the Public Health Improvement Plan has gone through several different evolutions within the past 5 years without being completed and it is Ms. Ladrow's opinion this is because there are so many entities attempting to work without a cohesive, strategic plan. Therefore, to bring together all of the various medical and health service providers with a few tangible goals for the two communities in coordination with the Health Partnership, the Wellness Consortium has been started. A small snapshot is listed in the agenda packet of the various entities and efforts that have been identified as happening simultaneously within Routt County communities which gives an understanding of why the first step towards attaining measurable outcomes is to have a clearly defined community plan by the key health influencers in the community. The writer of the Public Health Improvement Plan is a former CDPHE employee with experience in the Community Health Assessment Planning process as well as having her Masters in Public Health.

Commissioner Melton noted exhibit A from the provided documentation has an incomplete sentence. She advised Ms. Ladrow to get the Attorney stamp on the documents.

### **MOTION**

Commissioner Corrigan moved to approve and authorized the Chair to sign the sub-contract to the Health Partnership for services in writing the Public Health Improvement Plan.

Commissioner Monger seconded; the motion carried 3-0.

### **EN RE: ENVIRONMENTAL HEALTH / SCOTT COWMAN**

Julie Kennedy, County Purchasing Agent, was also present.

## PHIPPSBURG LAGOON LINER REPLACEMENT PROJECT

Mr. Cowman stated a compliance schedule with a deadline of December 31, 2018, was issued by CDPHE to complete lagoon liner replacement at the Community of Phippsburg Wastewater Treatment Facility. Funding had been secured based on a cost estimate from RG and Associates in the amount of \$300,000. A Water Pollution Control Revolving Fund Direct Loan (Disadvantaged Communities Loan Program) was approved in the amount of \$124,000 (plus \$26,000 for Design and Engineering) to help fund the project. DOLA provided a 50% match (\$150,000) to reach the total estimate of \$300,000.

The window for construction at the facility is narrow (typically mid-July to the end of October) because of late snowmelt and runoff, early freezes and chance of snowfall. Delays with review and approval of the final engineering by the CDPHE in 2018 resulted in the project being pushed to 2019. A Permit Narrative Conditions Report Form (and request for guidance) was submitted to CDPHE at the beginning of January 2019 that included details behind construction delays.

An advertisement went out in March 2019, but unfortunately, no bids were received. The project was put out for bid again (June 7th) with expanded advertising in an effort to identify a contractor and complete construction within the 2019 field season. One bid was finally submitted but the cost estimate was approximately three times the budgeted amount (\$274,000 vs \$890,000). Because timelines were again running short, an extension request was submitted and approved by DOLA to extend the deadline of the grant to December 2020. Per conversations with the CDPHE Grants and Loans Unit, it was confirmed that pushing the project back to 2020 would have no effect on the loan; although payments on the loan would need to commence.

After speaking with relevant agencies, doing some research and giving careful consideration; Mr. Cowman thinks the best way to proceed is to cancel the DOLA grant and pay back the loan to Colorado Water and Power Development Authority (CWPDA). The County does not have adequate funding to proceed and both funding sources expire at the end of 2020. Mr. Cowman has become aware of two other potential funding sources that could pay up to 75% of total costs:

1. FEMA funding via the updated Hazard Mitigation Plan (considered a mitigation planning activity)
2. USDA Rural Development

DOLA only covers about 50% of total costs. Mr. Cowman has considered using the DOLA grant to help with sludge removal but would still need to seek additional funding to cover total costs beyond the 50%. He is estimating the total costs for the project should be in the neighborhood of \$600,000. If 75% is covered that would leave the County with a similar amount (\$150,000) on a new loan. He is proposing to prepare a new RFP to cover the following:

1. Develop an updated and accurate cost estimate for both sludge removal and liner replacement, including installation of infrastructure to continue operation while undergoing liner replacement
2. Assist with acquiring appropriate funding

### 3. Provide engineering support services for bidding and construction

Mr. Cowman will call Greg Winkler and the CWPDA representative once he gets confirmation from the Commissioners on the current plan. He will also reach out to CDPHE to make sure the County continues to be on track for compliance. He has spoken to both of the County Managers individually and they have not expressed any concerns other than to be mindful of the County's relationship with DOLA and CWPDA. He also plans to meet with the County Finance department regarding budget changes. Finally, he will terminate the County's relationship with RG and Associates (contracting engineer).

Ms. Kennedy went to the Northwest Colorado Contractors Association recently and found three potential contractors.

Commissioner Monger stated he is unhappy that CDPHE said the County is in non-compliance regarding the seepage. CDPHE is now saying clay liners are unacceptable.

Mr. Cowman stated he agrees with Commissioner Monger. Any change at the State level to try to address Commissioner Monger's concerns can only be done by Commissioners.

Commissioner Monger stated it is a political battle.

Mr. Cowman stated regulations certify a certain amount of seepage and clay liners aren't able to meet that. The County did a seepage study anyways and found a pipe had burst, so the study was not successful.

Commissioner Melton agreed with Mr. Cowman to give back the loan.

Commissioners Corrigan and Monger agreed.

The Commissioners directed Mr. Cowman to work with Greg Winkler to decide to give the DOLA grant back or not, to give back the loan, and do a seepage study with funding from the reserves.

Ms. Kennedy suggested combining the seepage study from Milner with Phippsburg's.

Mr. Cowman stated that could be a good idea.

### **ROUNDTABLE**

The Commissioners, Mr. Cowman, and Ms. Kennedy discussed combining the seepage studies. The Commissioners decided to not move forward with the Milner seepage study for now.

### **EN RE: PURCHASE OF DEVELOPMENT RIGHTS ADVISORY BOARD (PDR)**

Megan Knott, Bryce Hinchman, CCALT; Lynaia South, County Attorney; Claire Sollars, Chair of PDR; and Kendra Alfieri, County Commissioners' and Manager's Office Manager were present.

### **CCALT GRANT LETTER OF SUPPORT**

Mr. Hinchman stated he is here to discuss the Regional Conservation Partnership Program which is an NRCS grant round. Through the 2018 Farm Bill NRCS has money to allocate for this program. Their funds need to be leveraged on a 1 to 1 or greater ratio. The goal of this project is to address and document concerns in specific areas in Northwest Colorado. The request presented today is a soft commitment of \$2,000,000 from the County.

Commissioner Monger asked what a soft commitment is.

Ms. Sollars stated she could put language into the letter to ensure the projects are approved before full funding is confirmed. Ms. Sollars has worked with the County Attorney's on this. A soft commitment means expressing support in a way that will help leverage taxpayer dollars. It is not a guarantee of funds.

Ms. Knott stated each project has to be approved by NRCS first before funding is approved.

Commissioner Corrigan stated he is comfortable with the change in language.

Ms. Sollars stated the documents will need minor changes regarding acreage and the total combined value.

### **MOTION**

Commissioner Monger moved to approve and authorized the Chair to sign the CCALT Grant letter of support.

Commissioner Corrigan seconded; the motion carried 3-0.

### **PDR 196**

### **EXECUTIVE SESSION:**

Commissioner Melton stated, "The time is now 1:10 p.m. I, acting as Chair, move that the Board of County Commissioners go into executive session to discuss PDR Project 196. This executive session is being electronically recorded but minutes of the meeting will not be produced".

Commissioner Melton stated the time is now 1:24 p.m. and the executive session has been concluded. The following persons were present at this executive session: Commissioner Corrigan, Commissioner Monger, Kendra Alfieri, Claire Sollars, Lynaia South, Dan Weinheimer, and Tom Sullivan. The Board limited its discussion to the purpose stated in the motion to go into executive session and no formal action was taken.



Commissioner Melton directed staff to add consideration of PDR project 196 to the agenda for December 10<sup>th</sup>, 2019.

**EN RE: PLANNING / CHAD PHILLIPS**

Kristy Winser, Assistant Planning Director, was also present.

**KING CREEK RANCH, LLC; PL-19-184 - REQUEST TO TABLE**

Mr. Phillips stated his request to table King Creek Ranch, LLC PL-19-184 until January 28, 2020.

**MOTION**

Commissioner Monger moved to table King Creek Ranch, LLC PL-19-184 until January 28, 2020.

Commissioner Corrigan seconded; the motion carried 3-0.

**DOLA GRANT FOR DEVELOPMENT OF THE ROUTT COUNTY MASTER PLAN UPDATE; PL-19-107**

Mr. Phillips stated Routt County is requesting funding assistance in the amount of \$100,000 to match with \$100,000 of funding from County to fund the revision of the 2003 Master Plan for Routt County, Colorado. The financial support will be used for a planning consultant/firm through an RFP process in 2020. Prior to the selected consultant's participation (before any DOLA grant funds are spent), the County will continue to participate in public engagement to determine the community's overall voice in regards to the major topics facing Routt County today. Comments from the Grant Review Committee will be available prior to the hearing.

**ROUNDTABLE:**

The Commissioners, Mr. Weinheimer, and Mr. Philips discussed the financial logistics of the grant.

**MOTION**

Commissioner Corrigan moved to approve an application to the Department of Local Affairs for an Energy and Mineral Impact Assistance Fund grant in the amount of \$100,000 to help fund a consultant to assist the community with the update of the 2003 Master Plan, knowing that the application will include updated itemization of expenses.

Commissioner Monger seconded; the motion carried 3-0.

**RESIDENTIAL CARE FACILITY STANDARDS; PL-19-141**

Ms. Winser presented a PowerPoint to the Commissioners. She stated a permit process specifically for treatment facilities would improve transparency by processing a request for what it is instead of land uses such as a Guest Ranch or Bed and Breakfast, that share similarities and impacts with the proposed use. County staff's survey of other communities and how they process applications for treatment facilities of different types and sizes found a higher level of review is almost always required for large facilities that would allow for more residents that are allowed under the definition of family.

The previous discussion had support for allowing small facilities in any zone district where single-family residences are allowed, with more robust review required for larger facilities. The Commissioners directed staff to draft standards for residential treatment facilities and present them to Planning Commission. They included standards that would require facilities to obtain and maintain appropriate licenses, locational standards to avoid high concentrations of facilities within a single neighborhood and recommended requiring facilities to be in keeping with the residential and rural character of the area to ensure that the facilities could be reverted to another compatible and conforming use in the future if the treatment use ends. Staff also offered that criteria should be established for what residential and rural character actually means.

Commissioner Corrigan asked if the language of "individuals with physical disabilities", was limited to behavioral issues.

Ms. Winser state the law requires this language.

**ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed the requirements for physical and behavioral disability services. The Commissioners directed Ms. Winser to add language to include developmental disabilities in the definition in the documentation.

**ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed the Use By Right language and purpose. The Commissioners direct Ms. Winser and Mr. Phillips to provide them with options for other language for Use By Right.

**ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed the requirement to be near growth centers to allow proper response time to emergency services, the definition for transportation, and a maximum amount of people requirements. The Commissioners directed Ms. Winser to redefine the "close to growth center" language to a 5 minutes response time for emergency services, create a better definition of transportation, and look into the limiting factors of having a maximum amount of people allowed.

Commissioner Melton stated the next steps are drafting regulations and meeting with County Attorney.

**RECREATIONAL FACILITY STANDARDS; PL-19-164**

Ms. Winser stated the overnight accommodations component of Recreational Facilities came into focus following the approval of the STARS application under the CUP process. The initial feedback indicated that any Recreational Facility with overnight accommodations should require a SUP, regardless of the size or complexity of the operation.

The Recreational Facility category (like the PUD category) has been used as a catch-all for uses not otherwise listed in the use chart. The discussion is also an opportunity to review all of the uses that allow overnight accommodations. The issue is what types of applications should be reviewed by the BCC based on the likelihood of off-site impacts.

BCC and Planning Commission agree that whether facilities are public or private should not matter the standards should be based on the intensity of use. BCC supported amending the regulations for applications that allow overnight accommodations, including Bed & Breakfasts, Recreational Facilities, and agro-tourism Enterprises. Wedding facilities will be excluded to a separate line item.

The Planning Commission further discussed amending the regulations for applications that allow overnight accommodations and the concept of distinguishing between active and passive recreation for Recreational Facilities. County staff suggested that facilities with active recreation could require a SUP, and facilities with inactive forms of recreation could require a CUP, regardless of whether they had overnight accommodations. Active recreation could be separated into the high-impact and low-impact categories. Under this scheme, the level of review would be determined by the type of recreation. PC recommended the following considerations:

- If the general public is allowed, a higher level of review is needed.
- The intensity of use and off-site impacts should be the determining factors; even if the facility is private, the number of participants or the frequency of events should be the trigger.

#### **ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed allowing secondary units, which are not attached to the primary unit, with an onsite manager. The Commissioners agreed that should be allowed.

The Commissioners, Ms. Winser, and Mr. Phillips discussed CUP versus SUP, agro-tourism regulations, passive and active language regarding recreational facilities, secondary language, and active and inactive definitions. The Commissioners directed Ms. Winser to use a CUP for agro-tourism, change the language for active and passive uses for recreational facilities to be clearer, to clarify secondary, and create more accurate definitions for active and inactive.

The Commissioners, Ms. Winser, and Mr. Phillips discussed the options for primary use. Commissioner Corrigan did not support option 2 for a few types of activities listed as very low-impact (CUP), with most falling into the SUP category. A list of activities that could be considered for CUPs in mostly all circumstances as:

- 2 or fewer activities such as cross-country skiing, trails, fishing, hunting and riding stables that are private,

non-commercial with less than 50 trips per day  
(including customers, employees, and deliveries.)

- Everything else is an SUP such as commercial use, overnight accommodations, public access, frequency and numbers of users (more than 50+ trips per day.)

Commissioner Corrigan was in support of option 1 because he felt there needs to be more predictability for the public. Commissioner Melton was in support of option 2 because she felt option 1 made the applicant go through potentially unnecessary procedures. Commissioner Melton directed Ms. Winser to add more information in the regulations on what is a Use By Right and what needs a permit.

**ROUNDTABLE:**

The Commissioners, Ms. Winser, and Mr. Phillips discussed hunting regulations compared to recreational facilities regulations. The Commissioners directed Ms. Winser to use the hunting regulations to help create clarity in the recreational facilities regulations.

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

---

Kim Bonner, Clerk and Recorder

---

Tim V. Corrigan, Chair

---

Date