

**STATE OF COLORADO
COUNTY OF ROUTT**

OFFICE OF THE CLERK
MARCH 15, 2022

Commissioner Redmond, Chair Pro Tem, called the meeting of the Routt County Board of County Commissioners to order. County Manager Jay Harrington, and Executive Assistant Jennifer Parent were also present. Samantha Pearce prepared the minutes.

EN RE: APPROVAL OF ACCOUNTS PAYABLE, MANUAL WARRANTS, AND PAYROLL

Mr. Harrington presented accounts payable.

MOTION

Commissioner Corrigan moved to approve and authorize the accounts payable, and payroll as presented by the County manager.

Commissioner Redmond seconded; the motion carried 2-0. Commissioner Melton was absent.

EN RE: CONSENT AGENDA

The following items were presented for consideration, approval, and signing on the consent agenda:

- A. PL20210011 MARABOU, FILING NO. 1 HOMESTEAD E2
- B. APPROVAL OF COUNTY COMMISSIONERS' MINUTES: MEETINGS OF FEBRUARY 15TH, 22ND, AND MARCH 1ST 2022
- C. APPROVAL OF THE RATIFICATION OF THE CHAIR'S SIGNATURE ON THE ROUTT COUNTY SHERIFF'S INMATE MEDICAL RENEWAL

MOTION

Commissioner Corrigan moved to approve consent items A, B, & C.

Commissioner Redmond seconded; the motion carried 2-0. Commissioner Melton was absent.

EN RE: PUBLIC COMMENT

No public comment was made.

Commissioner Melton joined the meeting and was present for the following agenda items.

EN RE: LEGAL

Commissioner Melton joined the meeting before this item was presented.

Assistant County Attorney, Lynaia South presented to the Board a consideration of and adoption of a Resolution Continuing Declaration of Local Disaster.

On March 13, 2020, the Chair signed a Declaration of Local Disaster relating to the COVID-19 global pandemic. On February 15, 2022, the Board of County Commissioners ratified and extended this Declaration of Local Disaster. This is the twenty-fifth Resolution extending the Declaration. It is effective from the date of the current expiration and extends the Declaration for another 30 days to April 27, 2022.

Commissioner Corrigan questioned why the County would still be continuing a Local Disaster Declaration and expressed concerns about the message that would send to locals that we are still in a disaster. Ms. South stated that by declaring the local disaster again the County would be following the State, and it would open opportunities for funds should the opportunity arise.

MOTION

Commissioner Redmond moved to approve and adopt Resolution number 2022-013 Continuing Declaration of Local Disaster another 30 days after the expiration of the current declaration.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: COMMUNICATIONS

Jim Cullen, Communications Center Manager presented to the Board a request to finalize a lease agreement with L3 Harris for the use of the Emerald Mountain tower for the placement of Federal Aviation Administration (FAA) Wide Area Multi-lacertation (WAM) equipment.

L3 Harris has been contracted by the FAA to place new WAM equipment at three tower sites owned by Routt County. This equipment will run dually at the three sites until such a time that the beta testing is complete and the old equipment can be removed safely. This is anticipated to be approximately two to three years. The requirements of the communications department of tower load studies and interference studies have been conducted and have passed the critical criteria. This has also been approved by the neighboring communication site owned by the Orton's of Emerald Mtn. This is the first of three sites that have been requested by L3 Harris. This infrastructure is critical to the safe operations of the Yampa Valley Airport's traffic and the Communications Department has done their due diligence to insure the safety of the tower sites with the additional equipment placed on the tower.

MOTION

Commissioner Corrigan moved to approve and authorize the Chair to sign a lease agreement with L3 Harris for the use of the Emerald Mountain tower for the placement of Federal Aviation Administration (FAA) Wide Area Multi-laceration (WAM) equipment.

Commissioner Redmond seconded; the motion carried 3-0.

EN RE: PURCHASING

COMMUNICATIONS DEPARTMENT SURPLUS EQUIPMENT SALE APPROVAL

Julie Kennedy, Purchasing Agent presented to the Board a Request to approve the sale and the Chair sign the Bill of Sale for Routt County Communications owned cell tower equipment no longer utilized due to the sale of the tower site microwaves to the State of Colorado to ValueTronics International, Inc. for the amount of \$3,500.00.

The Routt County Communications Department has received an offer for the following equipment that is no longer is use:

General Dynamics System Analyzer R2670B \$2,000, Agilent Microwave Frequency Counter 53148A \$1,200.00, Agilent Power Sensor 8481H \$300.00, totaling \$3,500. ValueTronics has supplied both a Purchase Order and shipping account number to cover the expense of sending the equipment to Illinois. The Communications Department feels this a fair and reasonable offer for items the County will no longer be utilizing due to the County selling the Microwave equipment to the State of Colorado a few years ago.

MOTION

Commissioner Redmond moved to approve the sale and the Chair to sign the Bill of Sale for Routt counting Communications owned cell tower equipment no longer utilized to ValueTronics International, Inc. for the amount of \$3,500.00.

Commissioner Corrigan seconded; the motion carried 3-0.

CALCON CONSTRUCTORS CHANGE ORDER 001 APPROVAL

Ms. Kennedy presented to the board a consideration to approve and change order 001, the hair to sign the Change order, and authorize the County Manager to electronically approve the Change Order to Calcon Constructors, Inc. in the amount not to exceed \$77,862.00.

Change Order 001 incorporates the following HHS Project Manager approved changes to the original contract:

PCO #	Description	Value	Status
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2	Concrete Detailing	\$38,329	Approved
2A	Concrete Reinforcing Changes	\$6,651	Approved
10	CCTV Security Cable	\$8,409	Approved
13	Kitchen Equipment	\$24,473	Approved

MOTION

Commissioner Corrigan moved to approve and change order 001, the Chair to sign the Change order, and authorize the County Manager to electronically approve the Change Order to Calcon Constructors, Inc. in the amount not to exceed \$77,862.00.

Commissioner Redmond seconded; the motion carried 3-0.

EN RE: COUNTY MANAGER

Mr. Harrington, and county Attorney Erick Knaus presented to the Board a consideration of Readoption of the Governing Principals Policy.

On March 9, 2021 the Board adopted Resolution #2021-012 adopting a Statement of Policy of Routt County, Colorado Concerning the Routt County Board of County Commissioners Governing Process and Principles (“Governing Principles Policy”); Section II of the Governing Principles Policy provides that the “policy shall be reviewed and considered for re-adoption after every Commissioner re-election cycle or after a new Commissioner is appointed to the Board.” The board now also believes it is important to review the policy when a new county manager is hired.

MOTION

Commissioner Redmond moved to repeal Resolution number 2021-012, dated March 9, 2021, approve the adoption of the Board of County Commissioners Governing Principles Policy, and approve resolution number 2022-014 re adopting the Board of County Commissioners Governing Principles Policy.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: GRANT ADMINISTRATION

Caroline McClenahan, Grant Administrator, and Roberta Smith, Director of Public Health presented to the Board a consideration to approve the Department of Public Health’s application to National Association of County & City Health Officials (NACCHO). Building Workforce Capacity of Rural and Frontier Local Health Departments to Respond to COVID-19.

This funding opportunity is for \$35,000.00 to support the technical assistance and training necessary to build workforce capacity of local health departments in response to COVID-19. This funding will aid in the creation of an emergency preparedness plan to address the current pandemic and any future public health emergencies. Participants in this program will receive detailed training over the 9 month period of funding, resulting in a specialized skill-set which will ultimately be an asset to the County.

MOTION

Commissioner Corrigan moved to approve the Department of Public Health's application to NACCHO's Building Workforce Capacity of Rural and Frontier Local Health Departments to Respond to COVID-19 -funding opportunity.

Commissioner Redmond seconded; the motion carried 3-0.

EN RE: ABATEMENT

R6206966 – Paetsch

R6206966 – Paetsch was presented to the Board for consideration to approve or deny for Abatement to lower the property value for previous tax years 2021.

This parcel is a vacant 5 acre lot in the Drea Exempt Subdivision located on County Road 24. The vegetation is comprised of mostly native grasses, some sage and upland shrub. The lot appears to have been owned by the family since 1991, maybe earlier.

Assessor Arguments

This Abatement submitted by Brigitte Paetsch Gray for Tax Year 2021 is to reinstate AG Classification on this otherwise vacant 5 acre lot. Ms. Gray (Petitioner) submitted the abatement on February 2, 2022. The Routt County Assessor's Office had not received any qualifying AG Proof from the petitioner since 2016 (goat grazing). The Assessor's office sent a reminder postcard in 2020 to remind petitioner to submit any qualifying agricultural proof of use to the Assessor's Office. Petitioner reports she was going through some serious health issues at the time and therefore was unable to devote attention to her affairs. As such, no Ag proof was submitted/received by the Assessor's Office. A recent aerial review of the property revealed that no perimeter fencing exists and therefore AG Classification was removed for tax year 2021 as it was believed that the property was most likely not grazed (no fencing). A Notice of Value was sent in May of 2021 reflecting the change of classification. Petitioner reports that she received this but did not know what to make of it/was not sure what it was trying to convey.

After receiving the tax bill which was significantly higher than the prior year, Petitioner called the Assessor's Office to inquire about the tax increase. During conversation, the Petitioner stated she has been using a weed mitigation service under the name of Green Goat Patrol to come on to her property each year. The Petitioner submitted canceled checks for 2019 and 2020.

The payments however, are not from the goat operator to the property owner, rather the property owner (Petitioner) is paying for a service (weed mitigation) for the goat owner to place their goats on the Petitioner's property. This arrangement is the opposite of the customary practice of a livestock operator renting or leasing pasture from a property owner for the right to graze their animals. This arrangement appears to be weed mitigation service where a property owner pays for the service of goats to be transported onto a person's land for a purpose of weed mitigation.

This raised the question as to the business of the goat operator. Is it to raise an agricultural product of livestock? Or is the business model of Green Goats Patrol simply to provide a fee-for-service arrangement of providing access to goats for weed mitigation? This would not be a qualifying agricultural operator under the intent of the agricultural statutes of the property being used as a Ranch. The statutory definition of agricultural and livestock products is "Agricultural and livestock products" means plant or animal products in a raw or unprocessed state that are derived from the science and art of agriculture, regardless of the use of the product after its sale and regardless of the entity that purchases the product. "Agriculture," for the purposes of this subsection (1.1), means farming, ranching, animal husbandry, and horticulture. § 39-1-102(1.1), C.R.S.

This arrangement of a pay-for-access to a goat herd to be placed on to property where this activity is used as the sole activity for qualification for Ag Status for property taxation is a very slippery slope. It quickly raises questions as to the intent or motivation of the property owner. It seems apparent that the primary purpose of paying someone to haul their animals onto your property, is really to acquire an AG status with the assessor's office, and the substantial tax break on the property's assessment. This would be very contrary to the intent of the statutes that in place to promote agricultural acreage/production for the agricultural community or industry.

Allowing a fee-based arrangement for access to livestock animals as a service is tantamount to simply a "pay-to-play" scheme for an AG Classification.

Petitioner is requesting Agricultural Classification be reinstated on the vacant lot described above under the guise of an evasive weed control grazing activity occurring on the land. We do not believe this arrangement is a qualifying use to meet the statutory definitions for an AG Classification with this Office. This should probably be considered at best, an incidental use of a goat herd for a minimal amount of time of the 5 acre parcel. The fact that the property owner is paying someone to bring the animals onto the property raises concerns as to the true purpose of this arrangement. The purpose of the goats themselves is a question. Are they raised as livestock for animal or human consumption? Or is the business model the leasing-out as a weed control service?

The Assessor's Office does not believe this to be a bona fide agricultural use of the subject property given the contractual arrangement of the goat activity taking place on the land. Granting an AG Classification under this type of a scenario is very reminiscent of the "rent-a-cow" scenario where a property owner is paying someone to bring animals on to their land for the sole purpose of gaining the system in order to be granted AG status. Even if intent and motivation of the land owner is genuine to have the goats eat away evasive weeds, and nothing more, it would be a very slippery slope to consider this sort of activity as an agricultural endeavor that seems contradictory to the intent and purpose of the AG statutes in place.

In conclusion the for Tax Year 2021, The Assessor's Office recommends denying the request to reinstate the AG Classification for the subject parcel while maintaining the current classification of Vacant, and the market value assigned at \$290,000.00.

Petitioner Arguments

Ms. Gray argued that when reaching out to the assessor's office February 2nd, 202 Ms. Gray spoke with Ryan Gelling. Mr. Gelling stated that Ms. Gray neglected to respond to a mailing that was sent in August of 2020 asking about AG activity on the 5 acre parcel. Mr. Gelling stated to the petitioner that a Notice of Value was mailed in May of 2021. Ms. Gray stated she did receive this document but did not indicate her loss of status in the document.

Ms. Gray stated that Mr. Gelling sent her Petition for Abatement papers which she had completed and returned on February 3rd with documents proving AG activity including cancelled checks.

For many years Ms. Gray's mother had a relationship with a local rancher to graze cattle on the parcel and received AG status for the parcel through that relationship. After the rancher sold his cows, Ms. Gray started looking for other ways to retain AG status in 2014. Ms. Gray stated she had looked to the Assessor's office for direction and Sarah Hagenbuch had helped her create a plan to maintain AG status. Ms. Gray had created a work contract with Pat Evangelatos and her business Green Goat Patrol. Ms. Gray stated that the wording in the contract was placed with the guidance of and approved by the Assessor's office.

In the deliberation creating this contract, Ms. Gray stated that the Assessor's office advised her to use "work order" instead of "lease". In the work order it is stated "Pat will look at vegetation on property and will decide where to set up a moveable fence for grazing and weed mitigation for about 50-17 goats to work on the property. As agreed upon by the Routt County Assessor, the fencing will be moved once during the summer. A herder will maybe present with the goats during the day; however due to large predators in the area, the goats will be taken home over night. \$1,000.00 will be sent with the agreement, and \$1,000.00 will be due upon completion mid to late August as compensation to Ms. Evangelatos."

Ms. Gray stated that the agreement in place today was advised and approved by the Assessor's Office in 2014 to retain AG status and everything written into it was done so that nothing could be misinterpreted. The canceled checks that the Assessor received to prove AG activity is clearly spelled out in the agreement and cannot be misinterpreted as something else.

In conclusion Ms. Gray stated that everything done to retain AG status was under the advisement and approval of the Assessor's Office and felt she should not be penalized for doing what was advised, and would make the changes needed to retain AG status.

ROUND TABLE

Commissioner Melton, Redmond, and Corrigan all felt that the proof provided by the petitioner of having a work order with Green Goat Patrol did not qualify and align with the statutory definition of "Agricultural" and for the property to continue under AG status based on the account of the petitioner "paying" Green Goat Patrol to hold the goats on the parcel.

MOTION

Commissioner Corrigan moved for account number R6206966, for tax year 2021, to deny the Petitioner's request to reclassify the property as Agricultural resulting in the actual value of the property remaining at \$290,000.00, and the tax remaining at \$5,111.68, and the tax abatement/refund remains at \$0.00.

Commissioner Redmond seconded; the motion carried 3-0.

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

Jenny L Thomas

Jenny L. Thomas, Clerk and Recorder

B. Melton

M. Elizabeth Melton, Chair

Apr 5, 2022

Date

