

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
August 21, 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

EN RE: WARRANTS

MOTION

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

Accounts Payable Check- Cycle Date:	8/13-8/17	\$1,089,006.39
Accounts Payable Check: Manuals	8/13-8/17	\$0.00
Accounts Payable Wires:	8/13-8/17	\$0.00
Total:		\$1,089,006.39
Payroll Checks- Cycle Date:	8/13-8/17	\$487,191.34
Payroll Checks- Manuals	8/13-8/17	\$0.00
Payroll – IRS & State Income Tax	8/13-8/17	\$194,419.03
Total:		\$681,610.37
Total Disbursements Approved:	8/13-8/17	\$1,770,616.76

Commissioner Monger seconded.

Mr. Sullivan advised of the Accounts Payable items for run date August 17, 2018.

Vendor	Amount	Department
KILGORE CO	245,155.71	Road & Bridge: CR 129 Asphalt Overlay
TYLER TECHNOLOGIES INC	75,585.49	IT Pool/Accounting – Munis support,

		conversion and Phase 1 closure
EAGLE COUNTY ROAD & BRIDGE DEPT	19,220.18	Road & Bridge: 2017 Winter Maintenance for CR1, CR4 and CR4A
Distribution of Dedicated Property Tax: Developmental Disabilities and Museum and Heritage Funds		
MOTOROLA SOLUTIONS	17,779.32	Comm Center: Dispatch Console Maintenance Agreement – 5 years
MOTOROLA SOLUTIONS	9,000.00	Comm Center: replenishment of the repair bank for Motorola radios
ROUTT PLUMBING & HEATING	7,584.00	Facilities Management: 3 Drinking fountains for Historic Courthouse Campus
SPILLMAN TECHNOLOGIES INC	143,995.00	IT Pool – Spillman Server Replacement
WILLIAM D WERNIG	20,972.00	YVRA: 50% Deposit for Parking Lot Seal Coating
COOPERATIVE PERSONNEL SERVICES	2,650.00	BCC Office: Human Resources Department Job Descriptions Project
ADVANCED TOWER SERVICES INC	35,848.33	Comm Pool: MT. Werner & Farwell Tower Improvements and Grounding Repairs
TRITON ENVIRONMENTAL, LLC	75,499.87	Road & Bridge: Box Culverts for Cottonwood Creek and Calf Creek
SUPERIOR SEATING LLC	4,090.04	YVRA: 3-Wire Restaurant Seating
VAIL CENTRE	18,750.00	DHS: HCPF REGIONAL TRAINING (15 People)
GEORGE K BAUM & COMPANY	2,500.00	ATTORNEY OFFICE: MARABOU RANCH METRO DIST FINANCIAL REVIEW
AP Run Date Total	964,984.09	

The motion carried 3-0.

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, Public Works Director, Maintenance Operations Manager, and the Information Technology 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 10, 2018.
- B. Approval of and authorization for the Board Chair's signature on the second amendment to the cable television franchise agreement between Routt, Colorado and Comcast of Colorado IV, LLC.
- C. Approval of and authorization to appoint Les Liman as the Routt County resident – Aviation Representative, on the Yampa Valley Airport Commission for a term ending on 06/30/2019; the appointee replaces John Centner who resigned the position.
- D. Approval of the sale of Calf Creek Bridge “as is” to Elk Head Ranch, Hayden, Colorado for Ten (\$10.00) dollars.

MOTION

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

Commissioner Monger seconded; the motion carried 3-0.

EN RE: PUBLIC COMMENT

Cam Boyd, realtor, was present for comment.

Mr. Boyd stated that he is present to discuss the availability of the old Pilot Building. He is approaching the point where the property is going through the City of Steamboat Springs Planning Commission to parcel off the vacant land from the building along with 2.2 acres. This brings the price of the building down to a more affordable range although the asking price has not been finalized yet however he feels it will be about \$4.5 to \$4.6 million. The seller owns the property free and clear and they are willing to work with the County on ownership and leasing the building prior to purchase. He believes that the lease rate for the building will be somewhere around \$23,000 a month for a three year lease.

Commissioner Corrigan stated that the CLEF project is the first priority at the present time and it is consuming a lot of the spare funds that the County has. Further there will be residential assessment ratio impacts due to the Gallagher adjustment so the County is waiting to see where the budget lands in anticipation of those changes. However, he does not feel like this is a dead duck but the County is holding its breath on a number of other things right now.

Commissioner Hermacinski asked if the County can walk away from this property at the end of a three year lease agreement. Mr. Boyd replied that it depends how the lease is structured.

Commissioner Hermacinski asked what the downtown Human Services campus can be sold for. Mr. Boyd stated that he believes the downtown property can sell for about \$1.4 to 1.6 million based upon comparable sales.

Commissioner Corrigan noted that the Board cannot negotiate this right now. Commissioner Hermacinski stated that she is in favor of exploring the old Pilot building further. She also believes that the County could consider doing a four year lease to decide if the County likes the building.

Commissioner Hermacinski suggested scheduling a public hearing sometime in the future to discuss this further.

EN RE: EMERGENCY MANAGEMENT / DAVID "MO" DEMORAT

FIRE RESTRICTIONS

Mr. DeMorat stated that there was a fire restriction discussion call this morning. The recommendation was not quite unanimous this time however the recommendation is to remain in Stage 1 Fire Restrictions. Oak Creek Fire District would like to come out of fire restrictions, Steamboat Springs Fire District would like to come out of restrictions next week if the weather trend continues, and both North Routt and West Routt Fire Districts would like to remain in Stage 1 Fire Restrictions. As of this weekend none of the neighboring counties will be in Stage 2 Fire Restrictions any longer.

Commissioner Corrigan noted that he received a number of citizen phone calls and emails over the last few weeks regarding the fire restrictions. Many of these citizens want Routt County to enter Stage 2 even though the technical criteria did not support it because they felt it would put residents and citizens on higher alert to the current fire dangers. If the weather had remained hot and dry he would have felt that Stage 2 may be a necessary step although the precipitation over the past few days has made him feel otherwise.

MOTION

Commissioner Hermacinski moved to table the consideration to change the fire restrictions to August 28, 2018 and directed it to be agendaized as the consideration to rescind Stage 1 Fire Restrictions.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: TREASURER / BRITA HORN

Patrick Karschner, Chief Deputy Treasurer, was also present.

CANCELLING OF UNCOLLECTABLE TAXES DATED 1983-2010

Treasurer Horn stated that her office is seeking the approval of and authorization for the Chair to sign resolutions to cancel taxes determined to be uncollectable from 1983-2010 as permitted by Colorado State Statutes. The uncollectable taxes amount to \$66,323.85. All of the uncollectable taxes have been gone through meticulously and these are the ones, by state

statute, that are not collectable after six years. Once the resolutions are approved by the Board of County Commissioners, they are sent to the County Assessor who certifies and proportionally appropriates this to all of the taxing entities. Those taxing entities can then request a onetime increase of their mill levy to go after this money.

Treasurer Horn noted that some accounts are sent to collections when there is personal property involved.

Commissioner Hermacinski asked about the change in amount in the Possessory Tax accounts from 2015 to the current list. Treasurer Horn replied that the older packet contained different years. Also some of the old accounts were erroneous and they have been since cleaned up.

Commissioner Hermacinski stated that Mr. Peterson provided information that some of these accounts should not be removed because they are active accounts. Treasurer Horn noted that it is past the statute of limitations for her to go after these accounts to collect the taxes. Further, taking these accounts off the list is only going to hurt our tax payers in the long run when they can go and get a proportion of it and reassess it to get the money back in another format such as raising their mill levy if it is approved on this list.

Commissioner Corrigan asked if the Treasurer can still ask the accounts to pay the taxes. Treasurer Horn replied yes, she can ask however she has no way to leverage enforcement due to the statute of limitations. She has notified all of the lien holders, BLM, and USFS requesting for them to cease operations of their leases if they are delinquent on their taxes.

Commissioner Hermacinski questioned although the County has wide latitude with Special Use Permits it cannot be used to make these account holders pay. Treasurer Horn replied that the account holders come back with a lawyer indicating that she cannot force them to pay after the six year statute of limitations.

Commissioner Corrigan speculated that the Board can begin to include language in Special Use Permit conditions of approval that requires the account to be current on their taxes.

Commissioner Hermacinski asked if there is any interest in holding back the possessory tax accounts that the Assessor has indicated are active accounts and the County could leverage their permits for the taxes. Treasurer Horn replied that someone else would need to take that on because she is bound by the statute of limitations.

Treasurer Horn noted that treasurers do not hold the leverage to prevent BLM, USFS, or the State Land Board from renewing leases with delinquent tax account holders. Commissioner Monger noted that he is more concerned about the following years and making sure these accounts do not continue to be delinquent.

MOTION

Commissioner Hermacinski moved to approve Resolution 2018-034, cancelling possessory taxes determined to be uncollectable in the amount of \$6,877.01. The accounts are as follows:

Account	Owner Name	DELINQUENT	Total Due
R0005240	ALBANY COUNTY HOLDING COMPANY	1990	\$23.50
R0072048	HARDROCK SAND & GRAVEL	1993	\$2,141.10
R3837342	PENTECOSTAL HOLINESS CHURCH OF	1994	\$1,068.67
R4054838	BOYCE, MARGARET SCHOFIELD	1987	\$60.50
R4054839	BOYCE, MARGARET SCHOFIELD	1987	\$52.50
R4169405	SCHOFIELD, JOSEPHA JOSEPHA S. EVELEIGH	1991	\$7.00
R4179453	SCHOFIELD, JOSEPHA JOSEPHA S. EVELEIGH	1986	\$7.00
R4179455	BOYCE, MARGARET SCHOFIELD	1987	\$7.00
R4316198	TRANHAM, THOMAS H.	1987	\$31.50
R4319939	VAN SCHAACK, JOHN GREGORY	1987	\$23.50
R4359919	PREECE, LARRY DEAN, II	1987	\$16.00
R4359929	VAN SCHAACK, JOHN GREGORY	1987	\$23.00
R6043815	URSELL, MILTON C. & DOROTHY M. DOROTHY M. URSELL	1988	\$21.50
R6314263	MOORE, STANLEY ROSS	1998	\$25.50
R8166987	ACORD, E. LEIGH & DUANE	2008	\$7.46
R8166994	BLACKBURN BUGGYWHIPS FISH & FLOAT	2002	\$48.16
R8167022	CULVERWELL, GERALD	2009	\$9.40
R8167048	LAZY E H RANCH	2008	\$23.23
R8167051	MARSH LIVING TRUST, FRANCE & CARRO	2008	\$7.71
R8167062	PACE, MICHAEL R.	2003	\$13.75
R8167125	KISSINGERS FAMILY TRUST	2003	\$42.41
R8167161	WARRICK, MARILYN C.	2008	\$24.56
R8167284	MOUNT WERNER COMMUNICATION SITE US	2002	\$513.36
R8167371	BARTMANN, JOHN	2010	\$33.62
R8167991	ZEPHYR HELICOPTER COMPANY	2004	\$815.31
R8168148	FACEY, DONAVON W.	2006	\$16.54
R8168805	OREGON TRUFFLE COMPANY	2004	\$23.51
R8168823	C2 REAL ESTATE HOLDINGS LTD	2009	\$36.51
R8168824	C2 REAL ESTATE HOLDINGS LTD	2009	\$75.16
R8168876	WESTERN FLYER AIR SERVICE	2007	\$25.00
R8170253	SELLERS, HAROLD L. & ESTHER M.	2008	\$12.06
R8170440	RED RUNNER DOG SLED CAROL BLOODWORTH	2009	\$118.40
R8171653	GORE CREEK OUTFITTERS	2009	\$16.84
R8172509	ADVANTAGE RENT A CAR	2009	\$804.85
R8172541	SS RUNING SERIES	2008	\$13.65
R8173826	NEW WEST INNS	2010	\$687.25

Commissioner Corrigan seconded; the motion carried 3-0.

MOTION

Commissioner Corrigan moved to approve Resolution 2018-035, cancelling utility taxes determined to be uncollectable in the amount of \$16,774.88. The accounts are as follows:

Account	Owner Name		DELINQUEN T	Total Due
	NORTHWEST COLORADO			
U0020868	RADIOPHONE	DRAWER 5150	1987	\$547.15
U0020977	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$165.89
U0032979	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$13.93
U0035980	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$82.07
U0045981	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$13.57
U0050982	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$76.80
U0060983	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$102.14
U0065984	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$97.74
U0077978	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$11.88
U0191393	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$3.89
U0202759	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$34.40
U0241394	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$6.14
U0251395	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$4.20
U0271396	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$4.66
U0322761	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$5.92
U0352762	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$27.80
U0401397	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$5.27
U0452763	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$2.94
U0502764	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$19.80
U0511399	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$7.68
U0512765	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$3.39
U0531400	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$7.83
U0532766	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$3.34
U0602767	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$26.89
U0652768	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$17.18
U0772760	FAR PORT COOPERATIVE, INC.	PROPERTY TAX DEPT.	1988	\$2.67
U0831398	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$4.86
U0841401	R.E.M.X. CORPORATION	PROPERTY TAX DEPT.	1983	\$4.97
U8232971	SAHLI, CHARLES R.	P O BOX 773202	1988	\$21.07
U8338325	CB II	BOX 1047	1986	\$115.50
U8445433	RAIL TRANSPORTATION SERVICES	PROPERTY TAX DEPT	2002	\$65.03
U8445484	MERCO-A JOINT VENTURE	PROPERTY TAX DEPT	2002	\$62.49
U8445512	CONVERGENT COMM SERVICES INC.	ATTN STEVE PUTNAM 27501 SW 95TH AVE	2000	\$2,644.89
U8445563	HOTEL CONNECT MANAGEMENT	STE 930	2000	\$628.87
U8445591	UNIVANCE TELECOMMUNICATIONS	CONTROLLER	2003	\$656.03
U8445615	CANYON GAS RESOURCES PROP TAX DEPT	KINDER MORGAN	2005	\$8,155.32

U8445683	EMERITUS COMMUNICATIONS FKA TELEGL	PROPERTY TAX DEPT	2004	\$413.30
U8445690	GTC TELECOM CORP	PROPERTY TAX DEPT	2004	\$41.91
U8445706	MHF LOGISTICAL SOLUTIONS	ATTN: JOYCE JEWELL	2009	\$35.52
U8445722	OCMC, INC	PROPERTY TAX DEPT	2006	\$323.51
U8445766	EXCEL TELECOMMUNICATIONS, INC ACCERIS MANAGEMENT AND	PROPERTY TAX DEPT	2004	\$2,292.28
U8445795	AQUISITION	PROPERTY TAX DEPT	2007	\$14.16

Commissioner Hermacinski seconded; the motion carried 3-0.

MOTION

Commissioner Hermacinski moved to approve Resolution 2018-036, cancelling mobile home taxes determined to be uncollectable in the amount of \$1,541.64. The accounts are as follows:

Account	Owner Name	DELINQUENT	Total Due
M0027207	WHITECOTTON, KENNETH W. RICK & PAM JONES	1986	\$3.50
M0050911	PATRO, YVONNE LOUISE	2009	\$325.24
M0082792	OTIS, FRAN & EDNA	2010	\$36.59
M0083348	BLOMQUIST, RICHARD	2007	\$44.09
M0201318	WISECUP, SANDY	1993	\$20.00
M0201496	STEELE, RUSSELL L. & SHARON L. MARVIN & SANDY WISECUP	1992	\$35.00
M0321392	BLOMQUIST, RICHARD	2006	\$105.08
M0501318	WISECUP, SANDY	1992	\$10.00
M5034910	CLAUSSEN, EDITH A. & ROY ROY A. CLAUSSEN	1988	\$18.00
M6546051	CORDOVA, RON	2006	\$944.14

Commissioner Corrigan seconded; the motion carried 3-0.

MOTION

Commissioner Corrigan moved to approve Resolution 2018-037, cancelling improvements only taxes determined to be uncollectable in the amount of \$6,236.23. The accounts are as follows:

Account	Owner Name	DELINQUENT	Total Due
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				[IMPROVEMENTS ONLY: SEC 14-6-87 (W2 OF BLUE SHOP BLDG & 2-13,000 GAL STORAGE TANKS) 1995 FORWARD ALL IMPRVMTS REVERT TO EILTS]
R0435242	EILTS, JOHN A & ALLIE M	1993	\$6,196.23	
R0817235	DAY, ROBERT	1994	\$40.00	HANGAR AT STEAMBOAT AIRPORT IMPROVEMENTS ONLY

Commissioner Hermacinski seconded; the motion carried 3-0.

MOTION

Regarding the personal property accounts, Commissioner Corrigan stated that it is frustrating seeing businesses operating currently yet they are on this list. He asked how this can be prevented moving forward. Treasurer Horn gave an example of a business shutting down that had unpaid personal property taxes. The business that took over the establishment also refused to pay the delinquent taxes so she can take photos of the personal property and hold an online sale. Treasurer Horn noted that the majority of the time when she brings the tax bill the business will take money out of the register and pay the bill on the spot because she requires certified funds.

Treasurer Horn noted that when it comes to personal property in condos she must go off of the best information available because typically they do not declare their personal property therefore she sends it to collections.

Commissioner Hermacinski asked if the same statute of limitations applies to personal property. Treasurer Horn replied yes, it is a six year statute of limitations.

Commissioner Corrigan moved to approve Resolution 2018-038, cancelling personal property taxes determined to be uncollectable in the amount of \$34,924.09. The accounts are as follows:

Account	Owner Name	DELINQUENT	Total Due
P0253084	SHADOW RUN VENTURE LLC	2008	\$157.57
P0253443	MOUNTAIN CASTLES, INC.	2010	\$1,003.69
P0253977	WES FISHER CONSTRUCTION, INC	1996	\$1,011.25
P0254087	MSH OF STEAMBOAT INC	2010	\$2,212.62
P0773753	LINCOLN AVENUE PRINTERS	2010	\$2,789.09
P0822595	KUSTOM KUTS STEES, SHANDEL & MICHAEL HOWARD	2009	\$445.57
P0835316	STEAMBOAT STITCHERY MARY K. LANGER-DUNCAN	1996	\$10.00
P7710801	FORTUNES PIZZA & SUBS DAVID & GINA MARX	2010	\$428.46
P7711150	QUALITY FLOORING	2004	\$704.42
P7711202	STEAMBOAT SCUBA & WATER SPORTS, LL	2008	\$218.68
P7711525	CENTURY 21 SKI TOWN ASSOCIATES	2010	\$2,254.95
P7711576	CORNERSTONE MORTGAGE	2008	\$197.59
P7711692	ADVANCED HARDWOOD FLOOR SYSTEMS	2007	\$277.17

P7711911	MOUNTAIN MILLWORKS		2009	\$1,192.85
P7712074	LAB AT STEAMBOAT, THE		2009	\$969.92
P7712180	2G INVESTMENTS, LLC		2010	\$132.86
P7712403	EFECKTA TECHNOLOGIES CORPORATION		2010	\$4,047.71
P7712476	KIM KEITH PHOTOGRAPHY		2008	\$250.26
P7712485	BEN & JERRY'S	MIKE DOHERTY	2010	\$679.42
P7712545	SOUND CONSTRUCTION, INC		2010	\$758.01
P7712633	DUCK DUCK GOOSE, INC.		2010	\$100.69
P7713100	PIONEER SPIRITS	JEFF WORST	2010	\$443.70
P7713451	GYALCHUNG, LLC		2010	\$9.77
P7713627	MINORITY ALLIANCE CAPITAL LLC		2010	\$14,627.84

Commissioner Hermacinski seconded; the motion carried 3-0.

EN RE: TOWN OF HAYDEN / MATHEW MENDISCO

FUNDING REQUEST DISCUSSION

Mr. Mendisco stated that the previous year he discussed the Town of Hayden signage project with the County Commissioners. The Town of Hayden was awarded a grant from AGNC in the amount of \$7,000 for a signage and beautification project that totals \$25,000. Regarding the signage aspect, Hayden went through the process of gaining approvals from CDOT and had the signs designed to their specification. The signage portion of the project will total \$5,400 of the \$25,000. Mr. Mendisco discussed the benefit to the County once this signage project is complete because it provides wayfinding to the Fairgrounds. The Town of Hayden will be completing the installation of the signs themselves to save money.

Mr. Mendisco noted that when he had discussed this project with the County the previous year he had requested that the Commissioners consider funding assistance once the project is developed. He is aware that it is late in the year but he has returned to discuss the possibility of funding assistance from the County. If necessary he can submit a specific budget request for 2019 as this is a three year long project.

Commissioner Hermacinski suggested allocating what is left in the discretionary fund for 2018, \$1,200, and requesting Mr. Mendisco to submit a request letter on behalf of the Town of Hayden for the funds. Commissioner Corrigan agreed with this suggestion and noted that this could set precedent for other communities requesting funding for similar projects.

MOTION

Commissioner Hermacinski moved to approve \$1,200 to the Town of Hayden to support their signage project.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: LEGAL / ERICK KNAUS

Lynaia South, Assistant County Attorney, and Sue Zulevich, Paralegal, was also present.

2017 AUDIT LETTER

Mr. Knaus stated that this item is the consideration to authorize the release of the 2017 audit letter. The audit letter contains information that is subject to attorney client privilege therefore an executive session may be requested.

Commissioner Monger noted that he does not have any questions regarding the content of the 2017 audit letter. Mr. Knaus replied that if the Board does not have any questions he suggests that they make a motion to approve the letter.

MOTION

Commissioner Hermacinski moved to authorize the County Attorney to release the 2017 audit letter to the county's auditor.

Commissioner Corrigan seconded; the motion carried 3-0.

DOCKET AND PENDING MATTER REVIEW

MOTION

At 1:10 p.m., Commissioner Monger moved to enter Executive Session pursuant to C. R. S. 24-6-402(4)(b) to receive legal advice from the County Attorney. Those present include the Board of County Commissioners, County Attorney Erick Knaus, Assistant County Attorney Lynaia South, and Paralegal Sue Zulevich.

Commissioner Hermacinski seconded; the motion carried 3-0.

The executive session adjourned at 1:52 p.m. No minutes or formal actions were taken during the executive session and Commissioner Monger stated that no decisions were made.

EN RE: COUNTY MANAGER / THOMAS SULLIVAN

Erick Knaus, County Attorney; William P. Ankele, White Bear Ankele Attorneys at Law; Scott Bell and Jim DeFrancia, Marabou; were also present.

PROPOSED MARABOU RANCH METROPOLITAN DISTRICT SERVICE PLAN SPECIAL DISTRICT FORMATION

Commissioner Monger stated that this item is a public hearing on the proposed Marabou Ranch Metropolitan District Service Plan for the formation of a special district. Mr. Sullivan noted that the role of the Board is to consider the approval of the service plan that identifies the services and the purpose of the metro district. Mr. Sullivan added that based upon the review conducted by George K. Baum and his review he feels that the financial package that the applicant put together is sound. The package includes the review report produced by George K. Baum.

Commissioner Monger asked Mr. Sullivan to explain why this review process exists. Mr. Sullivan replied that under title 32, special districts the Board of County Commissioners is responsible to approve such service plans if they fall within the unincorporated county. The next step, following approval from the Commissioners, will be for this plan to go before the district court. Mr. Ankele added that a petition is submitted to the district court for a special election to be held. The court passes on the sufficiency of the proceedings leading up to that point, including this hearing.

Mr. Sullivan added that the County created a policy to identify the procedure of review for special districts. Many times outside expertise is needed for this process and an agreement is made with the proponents of the special district to cover those costs. In this case, the only outside review was the financial review performed by George K. Baum and Associates.

Mr. DeFrancia stated that he has been a full time resident of Marabou for the last four years and he has previously served on the HOA board. There is a lot of infrastructure that was installed by the developer, approximately 20 miles of roads, 35 miles of fencing, a water system, and two miles of maintenance on the banks of the Elk River in the Marabou subdivision. Until now the home owners association has funded these projects and maintenance. The creation of a metropolitan district, particularly in regard to the water system, will provide a better way to govern that utility. It is a quasi-governmental agency, there is greater governmental scrutiny, and is subjected to mandated transparency. There are currently 45 owners in Marabou and the concept of pursuing a metro district was brought to a vote of all the members in December 2017 and was adopted unanimously.

Mr. Ankele stated that this is being seen around the state, the consolidation of these services into a metro district structure. Some of the other benefits of going to the metro district structure include access to tax exempt municipal financing, the opportunity to apply for state grant programs, and governmental immunity.

Commissioner Corrigan asked if they needed a vote of the members prior to pursuing this. Mr. DeFrancia replied no, they chose to call for a vote for this anyway in order to get the endorsement of the members.

Commissioner Corrigan asked if it is up to the district board to set the mill levy. Mr. Ankele replied yes and that it can be changed on an annual basis. He noted that a benefit of this particular district is that it has been in operation for a while so they are confident in the operating costs that were used in the development of the financing plan.

Commissioner Corrigan asked if a maximum mill levy will be included in the ballot question. Mr. Ankele replied no, there is a maximum for debt service but the operating mill levy will need to keep up with the maintenance costs of the district.

Mr. Ankele added that this is not a “developer district” so it is not looking to take on millions of dollars in debt. Instead it is proposing to acquire the water system then operate and maintain through easements the remaining improvements such as the internal roads, potable water, and riparian areas. The petition will need to be signed by a minimum of 30% of the property ownership then they will file with the district court to hold the election.

Commissioner Corrigan asked if the district is limited to focusing on the originally stated purposes of the special district. Mr. Ankele replied that the district is authorized to provide a suite of services under the special district act that include water, sanitation, roadways, drainage, parks and recreation, and transportation. The idea is that financial parameters are established and lived within as well as the compliance within the special district act.

Mr. Ankele explained that the mill levy cap for debt service is 50 mills and the overall debt cap is \$4.25 million. The district can use general obligation bonds, special assessment financing, and possibly grants. Primarily property taxes and fees are the main drivers of this. The debt limit or mill levy cap cannot be exceeded without requesting a material modification from the Board of County Commissioners. No County revenue is included in the service plan and the debt is in no way the responsibility of the County.

Commissioner Hermacinski noted that she needs to step out of the meeting for the remainder of the session.

Mr. Ankele noted that he provided a resolution to the County Attorney that calls for the approval of the service plan. There are a number of findings set forth in that resolution that are statutory. These findings are also stated in the service plan on page 9.

Commissioner Monger noted that it seems that they are doing well by this property. Commissioner Corrigan added that he appreciates the total package of information presented today.

PUBLIC COMMENT

No members of the public were present for comment.

MOTION

Commissioner Monger moved to adopt Resolution 2018-039 of the Board of County Commissioners of the County of Routt, Colorado, Approving the Service Plan for Marabou Ranch Metropolitan District with a finding that without condition or modification of the service plan submitted.

Commissioner Corrigan 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