

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
February 12, 2019**

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

EN RE: WARRANTS

MOTION

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

Accounts Payable Check- Cycle Date:	2/4-2/8	\$730,717.50
Accounts Payable Check: Manuals	2/4-2/8	\$
Accounts Payable Wires:	2/4-2/8	\$
Total:		\$730,717.50
Payroll Checks- Cycle Date:	2/4-2/8	\$
Payroll Checks- Manuals	2/4-2/8	\$0.00
Payroll – IRS & State Income Tax	2/4-2/8	\$
Total:		\$ -
Total Disbursements Approved:	2/4-2/8	<u>\$730,717.50</u>

Commissioner Corrigan seconded.

Mr. Sullivan advised of the **2018** Accounts Payable items of note for run date of February 12, 2019.

Vendor	Amount	Department
AIRPORT SEATING ALLIANCE	10,241.90	YVRA: PURCHASE TERMINAL SECURE AREA SEATING FOR

		2018 GATE EXPANSION
CML SECURITY LLC	35,238.98	BUILDING/PLANT POOL BUDGET: JUSTICE CENTER EXTERIOR CAMERA SYSTEM (partial billing)
JVIATION INC	38,050.57	YVRA: HDN AIP 44-7:NOV 2018; CONSTRUCTION ADMINISTRATION
PHYSIO-CONTROL INC	15,082.20	EMS COUNCIL: MAINTENANCE CONTRACT – CARDIAC MONITORS & DEFIBULATORS
COLORADO WEST REGIONAL MENTAL HEALTH INC	4,000.00	SHERIFF: 3 RD & 4 TH QUARTER 2018; CONTRACT AMOUNTS
CDW LLC	19,917.64	IT CAPITAL POOL: SAN SERVER REPLACEMENT
AP Run Date Total	158,330.34	

Mr. Sullivan advised of the **2019** Accounts Payable items of note for run date of February 12, 2019.

Vendor	Amount	Department
DISCOVERY LEARNING CENTER	21,511.00	COMMUNITY SERVICES BUDGET AND OTHER BUDGETED VENDORS
TYLER TECHNOLOGIES INC	39,135.88	IT POOL: ANNUAL LICENSING
HERITAGE PARK PRESCHOOL	13,125.00	DHS/FIRST IMPRESSIONS: HRC ALLOCATIONS AND OTHER BUDGETED VENDORS
USI INSURANCE SERVICES NATIONAL INC	5,357.03	YVRA: GENERAL STORE INSURANCE LIABILITY
AP Run Date Total	226,745.25	

The motion carried 3-0.

EN RE: ITEMS OF NOTE FROM CURRENT DAY'S WORK SESSION

Commissioner Melton stated updates were received from Human Resources, the County Attorney, the Deputy County Manager, Human Services, the Building Department and the Planning Department.

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 January 15, 2019;
- B. Approval and authorization to sign the Marsh Consolidation Plat;
- C. Approval and authorization to sign a liquor license renewal for CJJ Family Holdings Inc. dba Vista Verde Guest Ranch.

MOTION

Commissioner Corrigan moved to approve items A, B and C 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

No members of the public were present for comment.

EN RE: ASSESSOR / GARY PETERSON

Davana Robson, Deputy Assessor; Lynaia South, Assistant County Attorney; Steve Warnke and Hans Hochrieter, WEPVA were also present.

ABATEMENT – STEAMBOAT LAKE ASSOCIATION, INC. (HOA) 12 ACCOUNTS

Mr. Peterson stated that this abatement is for 12 properties owned by Steamboat Lake Association, Inc., which is a Home Owners Association (HOA). He added that the properties were purchased by the HOA in 2013 from SABLE Development (known in the past as Northlake Properties and Double Y Properties). He noted that they were partially prorated in 2013 which was an error made by the Assessor's Office.

Mr. Peterson stated that had the software worked as assumed, the accounts would have seen a change in both their taxable valuation and their classification from what it was in Tax Year (TY)2013 to what was intended, and should have been for TY2014. He added that the accounts would have gone from a partially exempt, partially taxable value in 2013 to a fully exempt classification with the value equaling the sum of the prior year's mixed classifications. Mr. Peterson noted that the property owners of the HOA should have received a Notice of Valuation from the Assessor's Office on May 1, 2014 for the 2014 assessment, however the Notice was never generated due to the error with the software. Mr. Peterson discussed how the error was caught and what was done to prevent future errors. He also gave a brief history as to when the Assessor's Office converted to the current software and the learning curves that came with it.

Regarding the Treasurer's Office, Mr. Peterson stated that there was an assessment for 2014 which is erroneous as the properties shouldn't have been taxable in any way. He added that there were 14 properties total that were conveyed on a single deed from SABLE Development to the HOA, 2 of the properties were caught and corrected with the taxable correction early on, however the other 12 were not. It was noted that the former Treasurer stopped vetting the tax sale list with the County Assessor. Mr. Peterson clarified that he may or may not have caught the errors regardless of the issues with the tax sale list from the Treasurer's Office.

Mr. Peterson continued by stating that the Assessor's Office used the mailing address on the deed since a Transfer Declaration was never submitted with the deed. He added that the Transfer Declaration was probably overlooked because it was a long standing agreement for SABLE to give the property back to the HOA once the consolidation efforts were complete. Mr. Peterson stated that since there wasn't a valid address the HOA never received the tax bills. He added that all 12 properties ended up going to tax sale where 2 or 3 investors purchased all 12.

Mr. Peterson discussed the property owner's right to due process and without receiving the Notice of Value from the Assessor's Office, they did not have the opportunity to contest the assessment regardless if it was erroneous. He stated that the 2 year limit on abatements is not applicable in this case because of the lack of opportunity for due process.

Commissioner Monger asked what happens now that the properties were purchased. Mr. Peterson stated that he suggested to the HOA to pay off some of the smaller amounts and noted that in the end the HOA paid off all of the amounts. It was clarified that the investors were paid \$9,449 which included taxes, interest, fees, etc. Mr. Peterson stated that the refund check will go to the HOA since the investors have already been paid. Commissioner Corrigan clarified that in this instance, the County was able to refund the interest because they never should have been taxed in the first place. There was discussion about the Certificate of Value and how to recoup abated funds from the previous year.

Commissioner Corrigan asked if there were any more properties out there that might have a situation similar to this. Mr. Peterson stated that he doesn't believe there are. Commissioner Corrigan expressed his appreciation to the Assessor's Office for correcting these mistakes and working with people to make it right.

For the record, it was noted that all 14 properties will be exempt which has been the case since 2015.

MOTION

Commissioner Corrigan, in the matter of account numbers R8165832, R8165837, R8165841, R8165842, R8165843, R8168512, R8168513, R8171916, R8171917, R8171918, R8172565 and R8172566, moved to grant the abatement request reducing the original assessed value of \$334,310, assessed value of \$96,940 to a corrected amount of \$0.00, resulting in abatement/refund in the amount of \$9,449.07, noting that that includes interest and fees for TY2014.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: SHERIFF / GARRET WIGGINS

Lieutenant Joseph Boyle, Routt County Sheriff's Office was present.

JAIL BASED BEHAVIORAL SCIENCES (JBBS) GRANT

Lieutenant Boyle stated that the JBBS Grant is legislative money that will provide mental health services at the jail. Commissioner Corrigan asked for an explanation as to how the money would be spent. Lieutenant Boyle stated as of now it looks like the MAT program will become a federal requirement for all jails and prisons. Commissioner Melton confirmed that the JBBS Grant will provide money to go toward the MAT program. Lieutenant Boyle added that in 2020, the JBBS Grant would also provide money to the Mind Springs program. He clarified that the County can't use any of the JBBS Grant money to substitute the money already put forth to Mind Springs for 2019, however in 2020 when the Mind Springs contracts are renewed, the money from the grant could be used for the services Mind Springs provides.

There was discussion between Lieutenant Boyle, the Commissioners and Mr. Sullivan regarding budget requests for the future and the provisions of grants. Lieutenant Boyle gave the example of Mind Springs' costs going up each year and ability to use the JBBS Grant money for whatever the amount is over the budget. He added that he didn't budget any grant money for Mind Springs for this fiscal year which ends June 30, 2019 and noted what he included money for the 2019/2020 fiscal year.

Commissioner Monger asked about the services being received from Mind Springs and Lieutenant Boyle stated that they are starting to meet the requirements of the contract. There was discussion about the payments to Mind Springs, the services being received and the ability to reduce payment should they not provide the required services.

Commissioner Melton asked Lieutenant Boyle to provide additional information as to what the money from the JBBS Grant would provide. Lieutenant Boyle stated that one-on-one counseling for 8 hours each month and psychotherapy for 3 hours each month, along with the prescriptions needed for their psychiatric therapy will be paid for by the grant. He added that he is trying to get group therapy with Ms. Amy Goodwin, the crisis and addiction counselor in Steamboat Springs. He noted that Ms. Goodwin could do 1 day of group therapy per week for both the male and female population. In addition to the previously mentioned items, Lieutenant

Boyle stated that the MAT program would also be covered under the grant. There was discussion regarding contracting Mountain Medical to do the MAT program.

Lieutenant Boyle stated that his goal is to provide the tools to help those incarcerated better succeed when they leave jail with support systems and coping skills. He added that mental health has become an increasing issue for jails across the United States.

Commissioner Monger asked what stage the grant is in. Lieutenant Boyle stated it has been approved by the Office of Behavioral Health and will pass through the process from there. He added that this grant was specifically aimed toward rural counties. It was confirmed that this went through the Grant Review Committee.

MOTION

Commissioner Monger moved to approve the State of Colorado Department of Human Services Contract and authorized the Chair to sign the JBBS Grant contract between the Routt County Sheriff's Office and the Office of Behavioral Health.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: HUMAN SERVICES / KELLY KEITH

MIND SPRINGS DAY TREATMENT ALTERNATIVE CONTRACT

Ms. Keith stated that Mind Springs provides day treatment alternatives to 3 school districts within the County. She added that the County pays Mind Springs \$12,184.58 per month for their services out of the Core Allocation. Ms. Keith noted that this contract is signed every year and the changes in the contract this year include adding language stating if Mind Springs does not provide adequate services, the County can reduce the rate. Those funds not paid to Mind Springs could be used for a private therapist, but the County would not pay for something they are not receiving.

There was clarification about how many school districts were receiving services. It was determined that there was an error on the contract and there are in fact 3 school districts. It was decided that Commissioner Melton would sign the contract after the correction was made. Commissioner Melton clarified that the \$12,184.58 per month covers all 3 school districts.

There was discussion between the Commissioners and Ms. Keith in regards to Mind Springs and private therapists being able to supply the types of services needed. Commissioner Melton stated that school districts in other counties employ therapists to provide the services needed. Ms. Keith stated that that could be an option as well. She added that the money for these services comes out of the Core Allocation which is never over spent at the State and the County can ask for more money should it be needed. Ms. Keith noted that should the County want to pursue options other than Mind Springs in the future, that is something that could be looked into.

MOTION

Commissioner Corrigan moved to approve the Chair's signature on a contract with Mind Springs for Core funding for the Day Treatment Alternative with the revisions discussed.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: ROUTT COUNTY COLORADO STATE UNIVERSITY (CSU) EXTENSION OFFICE / TODD HAGENBUCH

Jessica Quigley, Tami Eggers and Libby Christensen, CSU Extension; Jim Stanko, President of the Advisory Committee; Philip Rossi, Brian Ripley, and Karen Vail members of the Advisory Committee and Eileen Grover, Master Gardener, Food Safety Advisor and member of the Advisory Committee were also present.

EXTENSION ADVISORY COMMITTEE ANNUAL UPDATE

Mr. Stanko introduced himself as the President of the Advisory Committee and discussed the history of the committee. He noted that the committee started about 12 years ago and they meet 2 to 3 times a year and act as a liaison relaying information from the public to the advisory agents regarding the agent's programs. Mr. Stanko added that over the last couple of years, some of the agents received both National and State honors for their programs. He noted that regarding the 4H program, this is the 50th anniversary of the Expo, which Mr. Stanko described as a mini County Fair for kids to bring their animals and have experts come in to help the kids improve on their animal projects.

He added that it is coming time to renew 2 committee members and discussed changing the process for advertising to find replacements for the upcoming vacancies. Mr. Stanko stated that in the past, the director has recruited members and submitted them to the Board of County Commissioners (BCC) for appointment. This year, Mr. Stanko added that he would like the committee as a whole to be more involved in the process, which would mean advertising the vacancies and interviewing the candidates in the March 2019 Advisory Committee meeting. He stated that once the replacements have been chosen, Mr. Stanko himself or another committee member would present them to the BCC for appointment. Commissioner Monger asked if the candidates are all at-large or if they are representing certain areas. Mr. Stanko stated that at the beginning most of the members represented certain branches and now it's mostly at-large positions, people that have an interest in promoting the extension office and not necessarily certain programs. Commissioner Corrigan asked if the size of the committee is a set number of people. Mr. Stanko stated that it has been comprised of 9 members and can't remember if in the Memorandum there is a set number or not, but they try to keep it at 9.

There were further introductions of the other advisory members and the extension group. Mr. Hagenbuch started out by stating that the BCC used to only receive updates from the CSU Extension Office once a year but now he provides monthly updates to the Commissioners. He continued to discuss the look of the annual report by noting the new branding and logo, while still subscribing to CSU's branding.

Ms. Eggers stated that the 4H program still has approximately 300 members and had 110 volunteers in 2018. She discussed the My PI program and the upcoming graduation. She also discussed the upcoming weeklong 7 county Expo which is held in June at the Routt County Fairgrounds. It was noted that the Expo is rotating and Moffat County will host the next Expo.

Mr. Rossi expressed the Committee's gratitude for the County's financial support to allow 4H to continue and the benefits the 4H program has for the community. Mr. Stanko added that the livestock judging team went to the National competitions this year. Ms. Eggers noted that there is an average of about 45 out of 300 kids from Routt County on the livestock judging team. She added that each year 3 to 4 kids are sent to college on a 4H scholarship.

Mr. Hagenbuch continued to discuss 2018 projects related to agriculture. He noted the Water Research Workshop where Ag producers and water researchers from the Western Slope come in and talk about the research CSU is doing as it relates to water. He added that the County is working with the City right now to do some demonstration plots at Legacy Ranch. Mr. Hagenbuch stated that it is the goal of the extension office to reach out to the community to see what they need and follow through with that.

Ms. Vail discussed the statewide horticulture conference that took place in June 2018 and noted the participants of the conference praised Routt County for having the highest quality Master Gardener program in the State of Colorado.

Ms. Christensen discussed her efforts in finding gaps in the existing non-profit programs in Routt County and offering what the Extension Office has as a service to these groups. She noted her wild berry foraging class at the Tread of Pioneers museum and hopes that by demonstrating the effects of food bringing people to the table, she can reach more groups in the County. There was also discussion about the upcoming beet canning class.

Mr. Hagenbuch discussed the 2019 work plan which includes developing further communications with leaders in the community, the Expo and Hay Day. He described Hay Day as an educational day based around irrigation and grass variety workshops, along with big equipment demonstrations showing farmers and ranchers the latest technology. Mr. Hagenbuch also mentioned the Wildfire Conference which is a collaboration with the Emergency Management Department. In addition to the previously mentioned topics, Mr. Hagenbuch stated that the Junior Master Gardener program, which is very successful, is broadening and will start working with the Boys and Girls Club every Tuesday. He also noted Ms. Christensen's efforts to get an intern last year to assist with range management work and added that there will be another intern joining the Extension Office this year and will work with the State Forest Service on wildfire projects.

Mr. Stanko stated that this is the only agency in the County that brings knowledge and works on bringing the community together without imposing regulations.

Commissioner Monger asked about the master gardener program taking the water concerns into account. Mr. Hagenbuch stated that the master gardener's education programming talks a lot about water-wise landscaping. It was also noted that the master gardeners encourage the use of native plants that require less water.

EN RE: HUMAN RESOURCES / KATHY NELSON

REQUEST TO HIRE THE DEPUTY CLERK/RECORDING AT STEP 5

Ms. Nelson stated this item is for consideration of the BCC to approve hiring the new Deputy Clerk/Recording person at Step 5 of the pay scale with the opportunity to advance to Step 6 upon completion of a successful six month performance evaluation.

She added that the individual the County Clerk is looking to hire at Step 5 would fill an existing position. She added at Step 5 the annual base salary will be \$51,016.76 and at Step 6 the base salary will be \$52,604.92. It was also noted that this position has been budgeted for.

Ms. Nelson stated that Ms. Sarah Hagenbuch is the person that will be hired and meets all of the educational requirements to be hired at Step 5 and advance to Step 6. She added that Ms. Hagenbuch holds a B.S. and has taken multiple continuing education courses. It was noted that the minimum education requirements for the position include a high school diploma or GED. Ms. Nelson added that Ms. Hagenbuch has 6 years of administrative experience as well as 7 years working as an Appraiser III in the Routt County Assessor's office.

MOTION

Commissioner Monger moved to approve the hiring of the Deputy Clerk/Recording at Step 5 with the annual base salary of \$51,016.76, with the opportunity to advance to Step 6 upon completion of a successful six month performance evaluation.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: PLANNING/ CHAD PHILLIPS

Alan Goldich, Planning staff; Scott Cowman, Director of Environmental Health; Luke Schneider, Marlin Mullet and Les Liman, Twin Enviro and Derek Maiolo, Steamboat Pilot and Today were also present. Brian Long, Curtis Stovall and Jill Parisi, members of Colorado Department of Public Health and Environment (CDPHE) were present via phone conference.

TWIN ENVIRO LANDFILL; PL-17-174

Mr. Goldich stated the Board of County Commissioners (BCC) approved Special Use Permit PL-17-174 on July 24, 2018 where the hearing focused on changes to the conditions of approval in relation to the operation of the solidification basin. This basin is where liquids are placed, mixed with a solidification media (typically coal fly ash) until it meets a certain level of solidification, and then placed in the landfill. State inspections identified problems with how the basin was constructed and operated. After identifying these problems, the State placed certain

requirements on Twin Enviro. Twin's Special Use Permit was then amended by the Board to include these requirements as conditions of approval. Mr. Goldich noted that Twin has not signed the amended permit pending the February 12, 2019 discussion.

Mr. Goldich stated that there was a change in Condition 21 which allowed the County to take groundwater and surface water samples at the landfill at any time. He added that Twin Enviro has expressed their concern with the change. Mr. Goldich stated that the change was not specifically discussed at the Board hearing but was included in the staff report Twin Enviro received prior to the Planning Commission and the BCC hearings. He noted that it was only after the Board had approved the language, and the permit was sent to Twin for their signature, that this issue was brought to the attention of the County.

Mr. Goldich continued by describing the boundaries of the landfill and the locations of the groundwater monitoring wells. It was noted that 3 additional wells have been installed at the site but are not reflected in the plan Mr. Goldich was referring to.

Mr. Cowman noted his referral in the agenda packet which discusses the background information on the roles and responsibilities of the State and the County and the model the County has regarding oversight. He stated that CDPHE has the authority to conduct supplemental sampling but is typically only on site for one day during the year and would only be prompted to collect samples following a determination that there is imminent and substantial endangerment from solid waste. Such examples include, conditions involving landfill gases, groundwater contamination, landfill leachate, or discharges to surface water; and physical hazards originating from solid waste that present a threat to public health and safety or the environment.

Mr. Stovall added that prior to the State coming out to sample either well or surface water, they would request that the facility collect the water sample and provide a reason as to why it was necessary. He stated that it is very rare that the State would have to come out and collect additional samples.

Mr. Liman discussed the changes in requirements regarding the State collecting samples since his purchase of the landfill in 1989. He noted that to his knowledge, neither the State nor the County have ever taken surface water samples and that's why he was surprised it was added to the Conditions.

Mr. Liman continued to discuss the amount of waste that is processed per year in relation to the number of wells on the property and added it is a thoroughly monitored site. He expressed his concerns with the cost of additional groundwater samples and noted that Appendix 1A and 1B samples can cost approximately \$2,000 per sample. Mr. Liman stated that he has never seen a necessity for surface water samples and if there was, he would make sure to do it. There was discussion about Twin Enviro's concern for having the County randomly decide the need for additional samples.

Commissioner Melton asked for clarification in regards to the mention of a split in the condition. Mr. Cowman stated that a split is taking duplicate samples and sending them to 2 different labs.

Commissioner Melton asked the applicant to clarify their request in terms of the modification of the conditions. Mr. Mullet stated that if the County wants to come out and take surface water samples, there needs to be an appointment scheduled and Twin Enviro will go out and take samples as well. Commissioner Monger stated that there needs to be a schedule or a reason agreed upon to warrant surface water testing and noted that he understands Twin Enviro's concerns with additional cost.

Mr. Liman expressed his concerns about Twin Enviro already being heavily monitored and doesn't feel they need any additional monitoring. Mr. Cowman noted that as a matter of protocol, there would have to be a good reason for the County to go over to the site and take a samples. He continued to discuss the challenges with leachate especially when there is a lot of runoff and expressed the importance of the County being on site more often during the runoff periods.

There was further discussion between Commissioner Monger and Twin Enviro regarding storm water sampling and the catch basins that are being monitored.

Commissioner Melton asked Mr. Cowman to clarify why monitoring surface water was added to the condition and why it is important. Mr. Cowman stated it's important for the County to be on site more often should issues arise they can be addressed quicker.

Commissioner Melton asked for clarification in reference to sampling costs. It was noted that any required outside services are paid for by the petitioners and not the tax payers.

The parameters for storm water were discussed, along with the distinction between storm and surface water, noting that the storm water system is set up to capture any surface flow on the site. Discussion continued regarding groundwater, surface water and the protocol for Twin Enviro should there be a leachate seep.

There was further discussion between the Commissioners, Twin Enviro and Mr. Cowman regarding the language in Condition 21 and how both Twin Enviro and Mr. Cowman felt it should read. Mr. Cowman stated that the County should have authority to sample surface water in addition to groundwater. Mr. Mullet stated that he would like Condition 21 to read as CDPHE taking samples and not Routt County. Commissioner Melton confirmed that Mr. Mullet's request was not going to be agreeable as this is already required by law and thus not a necessary condition to the permit. Twin Enviro expressed their concern with Routt County oversampling, thus costing the company additional money.

Commissioner Corrigan expressed the need to come up with workable language that all parties could agree upon and stated that should Twin Enviro decide in the future that the Environmental Health Director is abusing what was agreed to during the hearing, they could come back and further tighten up the language on the condition. It was confirmed that Twin Enviro would sign the Special Use Permit after the permit was approved.

MOTION

Regarding Twin Landfill; PL-17-174, Commissioner Monger moved to approve the minor amendment of Condition 21, noting Condition 21 as written originally will be struck and the Condition will then read: *The semi-annual Groundwater Monitoring Report submitted to the Colorado Department of Health and Environment shall also be submitted to the Routt County Department of Environmental Health. Routt County Environmental Health officials may take samples from the wells or surface water based upon the following agreed upon protocol:*

- *Compliance Manager or designee of Twin shall be notified and be present at time of sampling.*
- *Location of sample shall be identified by Routt County Environmental Health (RCEH).*

Commissioner Corrigan stated that the portion of the amendment stating *shall also be submitted to the..*, should read *Routt County Department of Environmental Health* for clarity and seconded the motion; the motion carried 3-0.

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

Kim Bonner, Clerk and Recorder

M. Elizabeth Melton, Chair

Date