

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
February 5, 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:	1/28-2/1	\$188,170.37
Accounts Payable Check: Manuals	1/28-2/1	\$
Accounts Payable Wires:	1/28-2/1	\$
Total:		\$188,170.37
Payroll Checks- Cycle Date:	1/28-2/1	\$543,332.46
Payroll Checks- Manuals	1/28-2/1	\$0.00
Payroll – IRS & State Income Tax	1/28-2/1	\$222,246.06
Total:		\$765,578.52
Total Disbursements Approved:	1/28-2/1	<u>\$953,748.89</u>

Commissioner Corrigan seconded.

Mr. Sullivan advised that there were no Accounts Payable items of note as they were payroll related.

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, Emergency Management and the Communications Center, the Sheriff's Office and the Yampa Valley Regional Airport, including a presentation on the Atlantic Aviation Project.

**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 8, 2019;
- B. Approval and authorization for the Chair to sign the Provision of Professional Services Agreement with Mead and Hunt, Inc.;
- C. Approval of the State Human Service Electronic Benefit Transfer in the amount of \$142,398.57 through December 2018;
- D. Approval and authorization for the Chair to sign the MOU between Routt County and the Bureau of Land Management.

**MOTION**

Commissioner Corrigan 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**

No members of the public were present for comment.

**EN RE: CLERK AND RECORDER / KIM BONNER**

Barbara Houston, Recording Supervisor was present.

**SPECIAL EVENT LIQUOR LICENSE FOR PARTNERS IN ROUTT COUNTY**

Ms. Houston stated that this is for a private residence and this an annual event and it is held at different locations each year, which benefits Partners in Routt County.

## **MOTION**

Commissioner Monger moved to approve and authorize the Board to sign a special events liquor license for Partners in Routt County for an event to be held at the Private Residence of Dean and Jessica Ludwick, at 38600 Klein St. Steamboat Springs on February 20, 2019 from 5:30pm to 9:00pm.

Commissioner Corrigan seconded; the motion carried 3-0.

## **EN RE: BUILDING DEPARTMENT / TODD CARR**

### **2019 COLORADO CODE CONSULTANTS SERVICE CONTRACT**

Mr. Carr stated that this contract is being entered into for the third year in a row and noted that the County has built a great working relationship with Colorado Code Consultants over the years and they are the preferred vendor to provide these services. Mr. Carr stated that the Building Department has yet to use the services over the last 3 years but needs to have them as a backup plan.

Commissioner Corrigan clarified that there is no annual fee, they are just paid on an on-call basis. Mr. Carr added that should 2 or 3 large commercial projects come in, that would be the time when he would enlist Colorado Code Consultants' services.

There was discussion between Commissioner Melton and Mr. Carr about the contract being a 2 year versus a 1 year contract. It was determined that the contract brought in front of the Commissioners was in fact a 2 year contract.

Commissioner Melton confirmed that this contract was entered into through an RFP process in 2015. She asked how often it is required to go through an RFP process. Mr. Carr stated that it is based on a dollar amount. Commissioner Melton and Mr. Sullivan discussed the appropriate time period for the RFP process being every 5 years based on the typical practice of Routt County.

There was discussion between the Commissioners and Mr. Carr about doing a public process in the future to make sure the County gets the best deal on the services desired. Mr. Carr noted that the rate per hour is extremely competitive and not much more than County employees are paid with benefits for the Plan Review Examiner. The Commissioners, Mr. Sullivan and Mr. Carr agreed that it would be appropriate to have an RFP in 2020 after this contract expires.

## **MOTION**

Commissioner Corrigan moved to approve and authorize the Chair to sign the contract for Colorado Code Consultants to provide Plan Review Services if needed for calendar years 2019 and 2020.

Commissioner Monger seconded; the motion carried 3-0.

### **TOWN OF YAMPA BUILDING SERVICES IGA**

Mr. Carr stated that this item is to renew the current IGA in place with the town of Yampa and noted that the IGA hasn't been updated since 2008. He added that last calendar year the County caught up with all other jurisdictions and wrote new IGAs to bring new items into play that weren't there in the past. Mr. Carr stated that the item is just to update the current agreement as not much has changed. Commissioner Melton confirmed that the County Attorney has already reviewed the new IGA.

### **MOTION**

Commissioner Monger moved to approve and authorize the Chair to sign the new IGA with the Town of Yampa regarding the Building Department services.

Commissioner Corrigan seconded; the motion carried 3-0.

### **RESCIND GREEN BUILDING CODE RESOLUTION**

Mr. Carr stated that this item has been in the works since April 2018 discussions with the Building Department Oversight Committee. He noted that the Green Building Code came about in 2008 through an ordinance in the City and a resolution in the County.

Mr. Carr stated that there was never any real strong participation in the Green Building Code and at the time it was created there was a grant that helped the City staff put together the program and the manual that currently exist. He added that these items quickly become outdated and should really be updated annually, which will take either a consultant or additional staff to maintain and support such a program.

Mr. Carr stated that it came down to lack of participation and now there is a checklist where an applicant can check whether or not they want to participate in the program. He added that within the last 10 years there have only been 6 projects associated with the Green Building program. Mr. Carr noted that there is one zoning district within the City of Steamboat Springs near Ski Time Square where it was mandatory to participate.

Mr. Carr stated that the County doesn't want this to be forgotten about and wants to encourage people to build beyond the code so the codes adopted are the minimum level. He added that by encouraging people to build beyond the code, it doesn't necessarily mean to

increase their building costs, but a way for them to change their work practices to help be more sustainable in green building. He added that the County is partnering with the Yampa Valley Sustainability Council in this outreach effort, and have developed a process to recognize those who build beyond the code with annual awards, and also displaying projects on the YVSC, City of Steamboat Springs Planning Department, and Routt County Building Department websites as well. Mr. Carr stated that one thing the Building Department has changed on the website is the demolition permit section which is now labeled Deconstruction.

Commissioner Melton noted her discussion with Ms. Sarah Jones at the Sustainability Council about rescinding the current Green Building program and stated that Ms. Jones is on board with the revised program. Commissioner Melton expressed her appreciation with the notation in the new resolution that the Green Building program is being replaced with what looks to be a stronger program and not discontinued all together.

Commissioner Monger asked if projects within the County are going to continue on as before. Mr. Carr stated that the County projects become voluntary once the new resolution is signed.

## **MOTION**

Commissioner Monger moved to approve and authorize the Chair to sign Resolution 2019-004, a resolution repealing Resolution 2008-061 that established the Green Building Pilot Program as part of the application process for building permits for new residential construction in the unincorporated portions of Routt County.

Commissioner Corrigan seconded; the motion carried 3-0.

## **HAYDEN SCHOOL DISTRICT BUILDING SERVICES CONTRACT**

Mr. Carr stated that discussions for this item started through work sessions when the County first signed an MOU to provide the Hayden School District building services. He added that the County's fees do not line up with the State's building permit fees for projects exceeding \$4 million. Mr. Carr noted that the big difference with State projects is that the County can't provide plan review for plumbing, fuel gas piping or electrical work. He added that the County also doesn't provide inspections either and because of that the County fees were inflated above the State. Mr. Carr stated the County does review structural aspects of schools which is something the State Building Division does not review. He noted that this item puts in place the fee schedule that was previously approved for the County to offer the schools when the projects exceed \$4 million. Mr. Carr stated that it is a published fee schedule and a time and material agreement.

Commissioner Corrigan stated that this is a great thing to help move the school project along and helps ensure that necessary inspections are done.

## **MOTION**

Commissioner Corrigan moved to approve and authorize the Chair to sign a contract with the Hayden School District for the Routt County Building Department to provide construction, inspection and services to the Hayden School District.

Commissioner Monger seconded; Commissioner Melton asked Mr. Carr to clarify the fees he discussed and what portion of the costs the fees cover. Mr. Carr stated that it is straight time and materials and noted that he worked with Mr. Dan Strnad, the Routt County Accounting Manager, to figure out certain employee's bottom line rates with benefits. He explained that through the MOU, only certain staff members are able to provide certain services. The County will have to separately track hours committed and all costs are 100% reimbursable through the Building Department. Mr. Carr stated that in order to come up with the \$4 million figure, he did a lot of research on past projects to figure out the percentage of plumbing, fuel gas and electrical inspections done. He added that at the beginning, the Building Department was trying to set a flat rate, but became extremely difficult and therefore decided that the best case for both parties was to charge for time and materials. Commissioner Monger stated that this is an enterprise fund which means it is self-sustaining and not general fund subsidized.

The motion carried 3-0.

## **EN RE: ADMINISTRATIVE / HELENA TAYLOR**

### **2018 / 2019 COLORADO OPPORTUNITY SCHOLARSHIP (COSI) GRANT**

Ms. Taylor stated that Routt County is partnering with Colorado Mountain College (CMC) to secure funding from COSI on behalf of the 3 other partnering counties which include Eagle, Lake and Summit Counties. She added that with Routt County approving this resolution, it helps eligible candidates qualify for scholarships through CMC based on financial need and is limited to students that might not qualify for other sources of financial aid.

Ms. Taylor noted that the County has already approved resolutions for fiscal years 2016/2017 and 2019/2020, but CMC forgot to submit for the 2018/2019 fiscal year. She added that this will give CMC \$11,906 for this semester and like the others, the County will pass a resolution which will allow CMC to receive the funding that has already been appropriated for this scholarship.

Ms. Taylor stated that this application builds off a successful intense student support project, which was the Mountain Futures Fund, a grant project proposed in 2014. That project had a relationship where the CMC Foundation was the top recipient of a \$400,000 grant to support student achievement/college success. She noted that Routt County does not contribute or have any responsibility toward the funding, but signs the contract as 1 of the 4 partnering counties to show support for CMC participating. She added that the matching funds are raised by the Yampa Valley Community Foundation.

Commissioner Monger clarified that Routt County also partners with Colorado Northwestern Community College (CNCC) for the areas that are not under the CMC, and if students from the CNCC are eligible they can also participate.

Ms. Taylor stated there is also a contract with the State that will need to be signed as well, but she has yet to receive it. There was discussion between the Commissioners and Ms. Taylor regarding the previously signed contracts.

## **MOTION**

Commissioner Corrigan moved to approve and authorize the Chair to sign Resolution 2019-005, a resolution for Routt County as a partner to a Colorado Opportunity Scholarship (COSI) matching challenge scholarship as submitted by Colorado Mountain College (CMC).

Commissioner Monger seconded; the motion carried 3-0.

## **EN RE: PURCHASING / JULIE KENNEDY**

Ray DuBois, Public Works Director; Geovanny Romero, Road and Bridge Field Coordinator; Jason Nettles, Communications Manager; and Steve Faulkner, Maintenance Operations Manager were also present.

## **RFP 633 D1 TRACTOR TRUCK REPLACEMENT 2019**

Ms. Kennedy stated that this item is for the consideration of the Board of County Commissioners to approve the purchase of (1) new model year 2020 Peterbilt 367 Tractor Truck for the RC Road & Bridge District 1 shop and authorize the County Manager to electronically sign the purchase order to Jackson Group Peterbilt in the amount of \$137,955.00 dollars. She added that they are under budget by \$2,045 and the Road and Bridge Department has selected this truck as it best meets the specifications required by District 1. Ms. Kennedy continued by stating both the International HX520 and the Freightliner 122SD did not meet the specifications with items such as suspension and / or axles. She noted that Peterbilt maintains the standardization of the fleet at the District 1 shop.

Ms. Kennedy stated that this purchase adheres to the Routt County Purchasing Manual 6th Edition, section 6.7 "Request for Proposal (RFP)" policy and procedures.

Mr. DuBois stated that the Road and Bridge Department is mindful to not make the specifications for purchases too narrow in order to avoid sole sourcing. He added that they look for standardization with all of their trucks and equipment.

## **MOTION**

Commissioner Monger moved to approve the purchase of (1) new model year 2020 Peterbilt 367 Tractor Truck for the RC Road & Bridge District 1 shop and authorized the County Manager to electronically sign the purchase order to Jackson Group Peterbilt in the amount of \$137,955.00 dollars.

Commissioner Corrigan seconded; the motion carried 3-0.

### **RFP 634 D2 SMOOTH DRUM ROLLER 2019**

Ms. Kennedy stated that this item is for the consideration of the Board of County Commissioners to approve the purchase of (1) new model year 2019 Smooth Drum Roller for the RC Road & Bridge District 2 shop and authorize the County Manager to electronically sign the Purchase order to Faris Machinery in the amount of \$117,437.00 dollars. She added that the budget for this item was \$110,000 so they might be looking to request a supplemental budget of \$7,437 in the future.

Ms. Kennedy stated that the County went out to bid to 20 vendors and only received 3 proposals. She added that the Road & Bridge Department has selected the Volvo SD115B as not only the lowest priced proposal, but noted this machine meets the specifications required for the District 2 shop. This machine comes with a 1 year warranty, 6 months on parts, and 24 months on pavers.

Ms. Kennedy continued by stating that this purchase adheres to the Routt County Purchasing Manual 6th Edition, section 6.7 "Request for Proposal (RFP)" policy and procedures.

Commissioner Corrigan asked for clarification on pavers. Mr. Romero stated that they are rollers and noted that Volvo met most of the specs and was a lot better priced than the Caterpillar. He stated that the Volvo is also a good machine. Mr. Romero stated that after purchasing this item, the Road and Bridge Department plans to sell the used equipment which will offset the cost of the purchase.

Commissioner Melton clarified that the Road and Bridge Department is not requesting a supplemental budget at this time. Mr. Romero stated that they plan to sell the items in the fall which he thinks will cover the extra cost of this purchase, but wanted the Commissioners to be aware in advance should they need to request a supplemental budget.

### **MOTION**

Commissioner Corrigan moved to approve the purchase of (1) new model year 2019 Smooth Drum Roller for the RC Road & Bridge District 2 shop and authorize the County Manager to electronically sign the purchase order to Faris Machinery in the amount of \$117,437.00 dollars, noting this may require a supplemental budget request.

Commissioner Monger seconded; the motion carried 3-0.

## **WAIVER REQUEST FOR (2) NEW XYBIX WORKSTATIONS**

Ms. Kennedy stated this item is for the consideration of the Board of County Commissioners to waive the formal purchasing process and approve the award and authorize the County Manager to electronically sign the purchase order for (2) new dispatch workstations for the Routt County Communications move to the CLEF from Xybix Systems, Inc. for \$50,847.76. She noted that this item was budgeted at \$50,500 and are a little over budget but doubts a supplemental budget will be needed.

Mr. Nettles stated that there is only one manufacturer that makes furniture matching what the County already has. He noted that after evaluating the existing furniture purchased in 2012 and discussing with Mr. Sullivan, it was decided that they would move the existing furniture to the new Communications Center.

Mr. Nettles stated that Communications Department is not just getting 2 dispatch stations, but also getting new cabinetry and new divider panels. In addition, he added that Xybix is providing all of the labor to move and set up the existing furniture and install the new furniture that is coming in. Mr. Nettles stated that the reason why this item is a little more than the initial budget request is because it was assumed that everything was going to be done in 1 week. He added that the Communications Department decided it was best for Xybix to come in ahead of time and install the new furniture up front and then the week of July 8, 2019, they would move the existing furniture over. Mr. Nettles noted that it was about a \$600 additional cost for Xybix to come twice and install and move furniture.

Ms. Kennedy stated that this purchase adheres to the purchasing policy and procedure as cited in the Routt County Purchasing manual 6th Edition, Section 3.3 "Waiver of the Formal Purchasing Process" as to the following criteria:

- A particular part, material or service is required to maintain standardization or compatibility as a part of an existing integrated system.
- A particular material or item is required to match existing materials to produce visual harmony.

Commissioner Corrigan clarified that there will be 2 workstations that will have the mobile, portable units that can be removed and don't require a different workstation beyond the standard one. Mr. Nettles responded by stating that the workstations that are portable can be used on any type of workstation.

Commissioner Melton asked for information on the \$51 cup holders. Mr. Nettles stated that the existing furniture has the same cup holders, which are heavy duty swing out cup holders that feature multiple sizes. He added that this allows the dispatchers to put their cup somewhere other than the console which helps reduce spills.

## **MOTION**

Commissioner Monger moved to waive the formal purchasing process and approve the award and authorize the County Manager to electronically sign the purchase order for (2) new dispatch workstations for the Routt County Communications move to the CLEF from Xybix Systems, Inc. for \$50,847.76.

Commissioner Corrigan seconded; the motion carried 3-0.

### **STATE BID FOR MOTOROLA CONSOLETTES**

Ms. Kennedy stated that this item is for consideration of the Board of County Commissioners to approve the purchase and authorize the County Manager to electronically sign a purchase order to Motorola Solutions for (2) new consolettes (radios) and (3) replacement consolettes for the Routt County Communications Department, Communications Center, for the amount of \$28,054.40. She added that the budget was \$28,735 so they are \$680.50 under budget.

Ms. Kennedy noted that the Routt County Communications Department received the NASPO ValuePoint Colorado State Pricing Agreement from Motorola Solutions for the new consolettes needed for the move to the new CLEF building.

She continued by stating that this purchase request follows the policy and procedure cited in the Routt County Purchasing Manual 6th edition, section 6.3, "Colorado State Pricing Agreement may be used for a purchase of any size or amount; however any purchase over \$20,000 must be approved by the BCC prior to issuing a purchase order".

Mr. Nettles stated that Motorola is the manufacture of the other equipment in the Communications Center and added that Motorola is the only manufacturer that will integrate into the County's existing radio console and equipment that is currently in the Communications Center. Ms. Kennedy added that Motorola is the only one with the State Bid.

Mr. Nettles noted that the 3 replacements provide connectivity to other organizations on the State of Colorado 800 MHz DTR network. The 2 additions are in the VHF and UHF band and will allow connectivity and interoperability with other organizations such as BLM, USFS, SkiCorp, etc. He added that the plan is to install these the week of July 8, 2019 which is when the move to the CLEF is scheduled.

### **MOTION**

Commissioner Corrigan moved to approve the purchase and authorize the County Manager to electronically sign a purchase order to Motorola Solutions for (2) new consolettes (radios) and (3) replacement consolettes for the Routt County Communications Department, Communications Center, for the amount of \$28,054.40.

Commissioner Monger seconded; the motion carried 3-0.

## **EN RE: PLANNING / CHAD PHILLIPS**

Tegan Anderson, Planning Staff; Chad Phillips, Planning Director; Erick Knaus, County Attorney; Lynaia South, Assistant County Attorney; Emy Keeling, GIS Manager; Scott Cowman, Environmental Health Director and Ron Wendler, Applicant were also present.

### **WENDLER VACATION OF A PORTION OF PLACER STREET RIGHT-OF-WAY; PL-18-201**

Ms. Anderson stated that the applicant is requesting the vacation of the east 15 feet of Placer Street adjacent to Lots 5-8, Block 4 of Hahn's Peak. She added that this is an amended request from the applicant's original request to the Planning Commission for the vacation of all of Placer Street adjacent to Lots 1-4 and Lots 5-8, Block 4 and all of 8<sup>th</sup> Avenue adjacent to Lots 1-4, Block 4 Hahn's Peak.

Ms. Anderson discussed the location of the applicant's property in Hahn's Peak by showing the Board the maps included in the packet. She noted that the property lines are not exact and Mr. Phillips clarified that they are off by 30 feet.

Ms. Anderson stated that the applicant has approximately 11 ½ feet from the front of his property line to the end of his front porch and is requesting 15 feet off of Placer Street be vacated. She presented the map that showed historic vacations that have happened in Hahn's Peak throughout the years. Commissioner Monger asked for clarification on the historical vacations and Ms. Anderson pointed them out on the map, which is on page 19 of the Planning Commission Staff Packet, noting the years they were vacated.

Ms. Anderson stated that this application was reviewed by the Planning Commission on January 3, 2019 and they were asked to consider if the right-of-way is currently being used or if it has a possible use in the future. Planning Commission voted to recommend denial of the vacation 4-1. Planning Commission felt that the public does currently use the right-of-way and there is potential that the right-of-way will be needed in the future. The dissenting vote, Commissioner Brookshire, suggested that the applicant reduce the size of the vacation being requested for the hearing before the County Commissioners. Ms. Anderson added that these are the reasons the item was tabled during the January 22, 2019 Board of County Commissioners Regular Meeting and the applicant has reduced the size of his request.

Ms. Anderson noted the few referrals that were received by the Road and Bridge Department, Environmental Health and GIS. She added that Environmental Health stated that they could not verify what space is needed if water and sewer were installed in the future. Ms. Anderson stated that the letter from GIS lays out their concerns with vacations in Hahn's Peak in general.

Mr. Wendler stated that he applied for both 8<sup>th</sup> Avenue and Placer Street because no one other than himself and his neighbor use the land for their four wheelers. He added that no one uses areas around his property for access. Mr. Wendler stated that his main objective is to come into good standing and make sure he has the appropriate setbacks. He noted that he owns all the land on the border of both sides of this property and added that there is no access to any other private land inside of the town of Hahn's Peak. Mr. Wendler continued by stating he

has a large cul-de-sac for turnaround for emergency vehicles. He added that there are only 4 residences on his street right now, but could hold up to 8 if his other vacated lot is included. Mr. Wendler noted that the occupants of the residences use the new road being put in on lots 13-16 to access their properties.

Commissioner Corrigan asked for clarification regarding the 15 foot mark in front of Mr. Wendler's property. Mr. Wendler pointed out the property lines with and without the vacation on the photo. Commissioner Melton clarified that currently there is no structure in the right-of-way and only on the property. Mr. Wendler added that the required setbacks for Hahn's Peak are anywhere from 5 to 25 feet. Ms. Anderson stated that the applicant is attempting to achieve a 25 foot setback from the structure to the end of his property line. Commissioner Monger asked for clarification as to why the applicant wanted the 25 foot setback. Mr. Wendler stated that sometime in the future he would like to build a garage on his property and needs to be in compliance in order to obtain a building permit.

There was discussion between the Commissioners and Mr. Wendler regarding the need for the 25 foot setback. Ms. Anderson stated that the setback in Hahn's Peak is 25 feet and noted that there is an option for property owners to request a historic setback which the Planning Director can consider down to 5 feet. Commissioner Monger asked when Routt County adopted the 25 foot setback for Hahn's Peak. Mr. Phillips didn't have an exact year but thought it was sometime around the early 1970's and noted it has been around for decades. Ms. Anderson added that the set of 4 lots are 100 feet by 125 feet and they have a 25 foot setback. She noted that after receiving a site plan from Emerald Mountain Surveys for Mr. Wendler's lot, it was determined that his deck is in fact not in the right-of-way as previously thought and because of this information, Mr. Wendler decided to simultaneously apply for the historic setback. Ms. Anderson stated that the criteria for a historic setback is looking at the community and neighboring parcels to see if it fits with the rest of them historically as a similar setback. She noted that the Planning Department and GIS is in the process of looking at the mapping to locate where those property lines are to be measured from. Commissioner Melton confirmed that this would be a separate consideration.

Commissioner Monger expressed his concern with deciding on piecemeal vacations. Commissioner Corrigan asked for further clarification on the new property boundary and asked if the road is maintained by the County. Mr. Wendler stated that he improved the road and he and his neighbors maintain it. There was discussion between Commissioner Corrigan and Mr. Wendler about having enough room for vehicles and fire trucks to turn around in the street should his property extend into the street. Commissioner Corrigan asked Mr. Wendler to point out where the public access is to the State land. There was discussion between Commissioners Monger and Corrigan and Mr. Wendler about access to State land and which portion on the map is Mr. Wendler's property and which is State land. Commissioner Corrigan clarified the non-state trails that Wendler and his neighbors have been using to take their four wheelers over to State land. Commissioner Corrigan expressed his primary concern about making decisions regarding public land that may or may not affect it in the future. Mr. Wendler stated that this vacation would not impact access to public land and suggested that maybe an easement be put in should there be a concern.

Ms. Keeling stated that when land was first surveyed in the 1800's no one was using precision instruments, and landmarks such as corner sections were set and may not be exact. Commissioner Monger asked if the entire area of Hahn's Peak is off 30 feet or if it is just the

West half. Ms. Keeling responded by stating that the area of Hahn's Peak is kind of crooked. She noted that there are some old landmark issues from the PLSS surveys and the 3D issues when trying to line up with the terrain. She added that the County reached out to Emerald Mountain Surveys to assist in clarifications with the current parcels. Ms. Keeling stated that it is always important to go by surveys before making any decisions.

Commissioner Monger questioned if any of the homes on Mr. Wendler's street were in the right-of-way if the lines were shifted 30 feet. Ms. Keeling answered that the Emerald Mountain Survey clearly shows one property in the right-of-way and feels that in order to make any decisions on anything else in Hahn's Peak a survey would be necessary.

Commissioner Melton asked Ms. Keeling to clarify her concerns stated in the letter about addressing in the area. Ms. Keeling stated that in the past, vacations have left homes without a road. She discussed the vacation of 4th Avenue which took place in 1972 and address confusion that was brought to the County's attention a couple of years ago with a property not facing Main Street. She noted that the County can't readdress the property without doing a plat. Ms. Keeling stated that a community plan is needed to clean up some of the address issues. She added that a complete replat of Hahn's Peak would help out tremendously. Commissioner Corrigan asked if it was possible to do a complete replat without surveying each individual lot. Ms. Keeling stated that a complete survey of each lot in Hahn's Peak would have to be done, as well as obtaining permits to do so.

Commissioner Melton asked about the vacation that was denied in 2003 due to the possibility of exploring a community plan. Commissioner Monger stated the vacation was denied because that was the lowest elevation of the community and if a sewer system were to be put in place that is where it would go out. He added that at the time of the request, the applicant didn't ask for a partial vacation and the only way out of the whole community is through Placer Street where it hits the highway.

Mr. Phillips and Commissioner Monger discussed past efforts for a community plan and the push to install a sewer system, which eventually dissolved. Mr. Phillips stated that it really boils down to 2 questions: is the public using it now or is there a chance they will use it in the future? He noted that as some of the vacant lots fill in, the concern is how the residents will get access to their properties.

There was discussion between Mr. Wendler and Mr. Knaus regarding utility easements in the community. Mr. Knaus stated that currently there are no easements and if there were they would show up on the survey.

Commissioner Monger explained why he approved the 2003 vacation as the property was on a 25% grade that was not going to be used by the public in the future. Ms. Keeling noted that the addressing restrictions are tighter now and the County needs to be careful when splitting up streets.

Commissioner Monger stated that he would like to see Mr. Wendler obtain his building permit, but wanted to know what other options there were for him to obtain the permit without necessarily approving the vacation. Ms. Anderson stated that the Planning Department is waiting on the new survey in order to see if Mr. Wendler can qualify for a historic setback.

Mr. Knaus discussed the opportunity for a historic lot line adjustment in Hahn's Peak Village and the option for a variance request. He noted that a variance request would be subject to a Board of Adjustment (BOA) review and not a Board of County Commissioner (BCC) review. Commissioner Melton clarified that the BCC would deny the vacation and then those options could be pursued afterward.

Commissioner Corrigan asked if there was specific criteria regarding the approval process to grant a minimized historic setback. Mr. Phillips stated that from the building site (where the house is) go out 3 blocks or a set number of properties in each direction and average the setbacks of the properties to determine the historic setback. Commissioner Corrigan asked if the approval process is intended to accommodate existing historic structures and not intended to accommodate new construction. Mr. Phillips answered that it is actually both. It would bring the older structure into grandfather status if they wanted to come through the approval process. However, in situations of building a new house, if every house on the block is at 10 or 15 feet, does it make sense to build at 25 feet? Commissioner Corrigan asked if Mr. Phillips would apply that logic to the entire community as a blanket planning tool. Mr. Phillips stated that no he would not. There was input from Mr. Knaus and Mr. Phillips stating that logic wouldn't take care of the boundary lines that are already there, especially when the setbacks are bigger on the North end.

Commissioner Corrigan asked Mr. Wendler how this vacation would benefit the County. Mr. Wendler stated that he feels this would set a precedent for future vacation requests and keep others from asking for larger vacations. He added that it shows the County is trying to dial in the area and make a more livable area for the community.

Commissioner Monger asked for clarification if there was any way to not vacate anything, but still allow Mr. Wendler to obtain a building permit. He noted that he is not in favor of vacating one little portion of 10 feet, but would rather do a vacation of the entire part of Placer from Highway 129 all the way to Mr. Wendler's road. He stated his concern with having a zigzag line if they only vacate a portion of the street near Mr. Wendler's property. Mr. Phillips described the drainage area in regards to the topography and the property lines.

Ms. Anderson clarified Commissioner Monger's question regarding the need for a vacation to come into compliance for a building permit by stating that if Mr. Wendler's application for the historic setback is approved once additional information has been gathered, then the vacation would not be necessary for Mr. Wendler to come into compliance.

## **ROUNDTABLE DISCUSSION**

Commissioner Monger stated his desire to table the request so the other processes can continue. He reiterated his concerns with vacating a portion of the street without the knowledge of future use.

Commissioner Corrigan stated that he has been involved in several road vacations since being a Commissioner and discussed a few of the vacations and the benefits to the County regarding those vacations. He added that there is clearly a benefit to Mr. Wendler in this case, but wasn't persuaded by Mr. Wendler's comments in regards to the benefits to Routt County. Commissioner Corrigan expressed his concerns regarding the property lines and the future

needs of the roads in Hahn's Peak Village and stated at this time he is inclined to deny the request.

Commissioner Melton stated that she would echo Commissioner Corrigan's comments regarding the benefits of the County. She added that in essence this vacation is Routt County giving away public property at no cost and should the County need that land in the future it would have to be purchased. She also expressed her concerns around piecemeal vacations in Hahn's Peak. Commissioner Melton stated that she does not want to set a precedent that the County solves setback issues with vacations. She added that she would be most interested in denying the vacation and hopes that the setback issues can be remedied through the administrative process, however Commissioner Melton doesn't feel a vacation is an appropriate way to remedy this situation.

### **MOTION**

Commissioner Monger moved to deny the petition to vacate the portions of Placer Street and 8th Avenue in Hahn's Peak Village, with the findings of fact that the preponderance of public comment from residents of Hahn's Peak was opposed to the vacation, statements that the public does use the property and a letter submitted by the Road & Bridge Department stating its opposition to the vacation.

Commissioner Corrigan seconded; Monger stated he voted against the motion and feels it should be tabled.

The motion carried 2-1.

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

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Kim Bonner, Clerk and Recorder

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M. Elizabeth Melton, Chair

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Date