

**STATE OF COLORADO
COUNTY OF ROUTT**

**OFFICE OF THE CLERK
February 26, 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

Mr. Sullivan advised there were no Accounts Payable items of note.

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

Commissioner Melton stated updates were received from the County Manager, the County Clerk, the Road and Bridge department, the Yampa Valley Regional Airport, the CSU Extension office, the County Surveyor, and the Treasurer.

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 29, 2019;
- B. Approval of and authorization for the Chair to sign the annual Equitable Sharing Agreement and Certification form (ESAC).
- C. Approval and authorization for the Chair to electronically sign the 2019 Craig-Scheckman Family Foundation Grant.

MOTION

Commissioner Corrigan moved to approve items A, B and C on the consent agenda and authorized the Chair to sign the related document.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: PUBLIC COMMENT

Sarah Jones, Yampa Valley Sustainability Council and Bryce Carter, Solar United Neighbors Director were present.

Mr. Carter stated that Solar United Neighbors started in 2007 with the idea of educating the community about solar panels, purchasing it in bulk and providing an affordable option for members of the community. He added that Solar United Neighbors has grown to 12 states, noting that Colorado is the newest state to launch this program. Mr. Carter continued to discuss funding which supports job transition training, with the hopes of sponsoring people in the Yampa Valley to become solar certified. He discussed the launch of the Yampa Valley Solar Co-op and gave the schedule of meetings that will take place in Steamboat, Hayden and Craig. Mr. Carter continued to explain the RFP process to select an installer and move forward with forming a contract for services. He noted that by doing the process this way home and business owners are able to save money since it's a bulk contract.

Ms. Jones stated that the job training application is open until March 15, 2019 and they are looking for four candidates to apply from Hayden and Craig, adding that the candidates get job training by working with the installers. Commissioner Corrigan asked when the job training will begin. Mr. Carter stated that it will begin April 8, 2019 in Paonia, Colorado and will take about a month to complete.

Commissioner Corrigan questioned the financial commitment before the install. Mr. Carter stated that there is no obligation until the installer signs.

There was discussion about building codes regarding solar panels and Ms. Jones noted that in more rural areas with fewer buildings there is more exposure to the sun therefore it works better outside of the city. There was discussion regarding roof top versus free standing solar panels and it was noted that roof top panels are more common than free standing. Mr. Carter added that they are vendor neutral and each Co-op has a selection committee which decides on which installer to go with.

Commissioner Melton asked how a project like this is funded. Mr. Carter stated that grants fund the project and in Yampa Valley there was an anonymous donor that wanted to support the solar project. He added that Solar United Neighbors gets \$600 back from each install and memberships also fund the project.

EN RE: PURCHASING / JULIE KENNEDY

Fred Honebein, Purchasing Agent; Ray DuBois, Public Works Director; and Greg Brown, Weed Supervisor were present.

RFP 637 2019 HERBICIDES

Mr. Honebein stated this item is for consideration to approve the purchase and authorize the County Manager to electronically sign the purchase order for 2019 Herbicides for the Road and Bridge Department to Snyder and Counts for \$30,992.52.

Commissioner Corrigan asked if these are the same products as the ones purchased in previous years. Mr. Brown stated that there was one minor change to one chemical but it is comparable to one used in years past. Commissioner Corrigan asked about the delivery and storage of the chemicals. Mr. Brown confirmed that the delivery is coordinated with Snyder and Counts and he is able to store all of the chemicals when they come in and discussed the storage locations that are available. It was also noted that the quote came in considerably lower than originally planned. Mr. Brown also discussed the amount of product that was ordered and what was left over from last year and not used as much due to the higher temperatures.

Commissioner Melton asked for information on how herbicides are used. Mr. Brown stated that the County is operating under the Noxious Weed Act of 2003 which mandates that Counties control weeds primarily in the right-of-ways. He added that according to the law, the County cannot mandate citizens to control their own noxious weeds unless the County is controlling noxious weeds on adjacent property in the right-of-way. Mr. Brown noted that he makes every effort to review the chemicals and use the safest chemicals to get the job done.

Commissioner Melton asked if the State provides a list of weeds the County needs to control. Mr. Brown stated that there are actually 3 lists of weeds provided by the State. There was discussion about the effects of Dicamba when high temperatures are present.

MOTION

Commissioner Monger moved to approve the purchase and authorized the County Manager to electronically sign the purchase order for 2019 Herbicides for the Road and Bridge Department to Snyder and Counts for \$30,992.52.

Commissioner Corrigan seconded; the motion carried 3-0.

EN RE: PUBLIC WORKS / RAY DUBOIS

Mike Mordi, Public Works Assistant Director was also present.

AMENDED IGA FOR THE GREEN TRUSS BRIDGE

Mr. Mordi stated that the County was awarded off system bridge funding to replace the Green Truss Bridge on County Road 67, noting that the original IGA was signed in 2016. He continued by stating that in November of 2018, Road and Bridge submitted for and was awarded additional construction funds in the amount of \$204,318.00 for the bridge. Road and Bridge received an email from CDOT informing the County that an amended IGA for the additional funds needs to be signed. Mr. Mordi confirmed that this IGA will replace the previous IGA signed in 2016 and the new IGA has been reviewed by Road and Bridge and Legal.

Mr. Mordi added that in 2016, the Road and Bridge department put in for \$861,000 and when the design was finished and once the right-of-way acquisition was complete, he stated that in late 2018 bids came back higher than the \$861,000 total grant funds for the construction

of the bridge. He noted that when submitting for the additional funds, grants were due November 23, 2018 and the bids came in November 27, 2018, higher than his request for an additional \$204,318.00. Mr. Mordi noted that the last 2 bridges built with the off system bridge funds have come in consistently \$40,000.00 - \$60,000.00 under the bid cost. Mr. Mordi stated that the current budgeted amount through Road and Bridge is \$559,860.00 with a proposed expenditure of \$213,127.60, plus anything over the grant. He noted that if the total cost is over \$1,065,638.00 then part of the Road and Bridge budget will cover the overage.

There was discussion about budgeting and Mr. Mordi clarified that the proposed revenue of \$852,510.40 is the Federal match and is 80% of the \$1,065,638.00. He added that the County match of the \$1,065,638.00 is \$213,127.60. There was clarification about requesting a supplemental budget since the Road and Bridge department will not exceed their general fund budget of \$559,860.00. Mr. Mordi explained that because the bid price was over the grant amount, that's why Road and Bridge was directed to ask for a supplemental budget.

MOTION

Commissioner Corrigan moved to approve and authorize the Chair to sign the revised IGA between Routt County and the Colorado Department of Transportation for the replacement of the Green Truss Bridge on County Road 67 in the amount of \$1,065,638.00 with a local match of \$213,127.60.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: PLANNING / CHAD PHILLIPS

Alan Goldich, Planning staff; Erick Knaus, County Attorney; and Judy Cooper, applicant were also present.

JUDY COOPER FEE WAIVER REQUEST; PL-19-112

Commissioner Corrigan recused himself for the consideration of the fee waiver request as his wife is working as a real estate broker with Ms. Cooper on this property.

Mr. Goldich stated that Ms. Cooper has applied for a lot line adjustment on her parcel in Phippsburg, Colorado and is requesting an application fee waiver. He noted that the application fee for a lot line adjustment is \$600. He continued by stating that Ms. Cooper is doing a lot line adjustment in order to bring her 2 properties into compliance with setbacks which will allow her to sell her properties.

Ms. Cooper expressed her financial burdens which would make it difficult for her to afford the application fee and noted some family issues which caused difficulties with keeping up her property in the past.

Mr. Knaus stated that there is a buyer interested in the property. He noted that this matter was brought to his attention by way of the Planning department and County Surveyor.

Mr. Knaus explained that Ms. Cooper currently owns lots 11 through 14 and the legal problem is that the house in which Ms. Cooper resides, straddles the property line of lots 12 and 13. He added that this area is zoned commercial, therefore there are no setback requirements. He continued by stating that one suggestion to rectify this issue and keep the residence where it is, would be to do an easement and then lot 12 could be sold to the interested buyer. Mr. Knaus expressed his suggestion of doing a lot line adjustment which would give an equal exchange of property between the 2 lots, and would allow the residence to stay where it is. Ms. Cooper noted that the residence is 109 years old.

Mr. Knaus stated that he strongly recommends a lot line adjustment over an easement as it would clean up a lot of issues and the new buyer would know exactly where his property is and there would be no cloud on title.

Commissioner Melton clarified that the Commissioners were not approving a lot line adjustment during the session but just a fee waiver. Commissioner Melton asked what the policies are for waiving fees. Mr. Phillips stated that at the administrative level, it's a government agency or a non-profit that substantially benefits the citizens of Routt County. If it doesn't meet that criteria then he bumps it up to the Board and that there are no standards.

Commissioner Monger expressed his concern about the fees that are owed to the Treasurer and asked if the fee would be part of the replat. Mr. Knaus stated that when the new plat is recorded, the County requires all taxes to be paid at that time. He noted that the taxes can't be paid until the property is sold and Ms. Cooper can't sell the property until the lot line adjustment is done. Mr. Knaus stated that by operation of the property sale, the title company will require that all taxes be paid and it would require that the lien on the water system be paid as well. Mr. Phillips stated that the Planning department will draft a Condition of Approval that takes care of the taxes and covers the lot line adjustment.

Commissioner Monger asked if the \$600 fee covers the lot line adjustment or does it vary based on the complexity and the situation. Mr. Phillips stated that in most cases the \$600 is pretty close to what the cost is.

Both Commissioners Monger and Melton expressed their concerns about setting a precedent by solving this matter in this fashion, but want to make an exception in this case to ensure the prosperity of Phippsburg.

MOTION

Commissioner Monger, regarding the Judy Cooper fee waiver request; PL-19-112, moved to approve up to \$600 of the fee waiver request, finding that it is the public's best interest in this matter.

Commissioner Melton seconded; the motion carried 2-0.

EN RE: ENVIRONMENTAL HEALTH / SCOTT COWMAN

Andy Rossi, Upper Yampa Conservancy district; Lyn Halliday, Upper Yampa Watershed Group; and Derek Maiolo, Steamboat Pilot and Today were also present.

2019 SUPPLEMENTAL BUDGET FOR A USGS NUTRIENT STUDY

Mr. Cowman stated this item is for consideration for a supplemental budget request in the amount of \$5,000 and a Resolution to support a USGS study, titled *Characterization of Streamflow, Suspended Sediment, and Nutrients in the Upper Yampa River Basin*. He added that the purpose of this is to characterize streamflow, suspended sediments, and nutrients using historic and more recently acquired water quality data. Mr. Cowman stated that the idea is to stay ahead of pending regulations related to discharge limitations for nutrients and hopefully to avoid potential public health issues in the future related to Algal Blooms.

Mr. Cowman stated the proposed expenditure is \$5,000 and the total estimated cost of the study is \$144,500. He added that there was a grant from the Yampa White River Roundtable awarded in the amount of \$77,424.00, with the USGS covering \$47,000 of the cost and the remaining costs are covered by local partners including Routt County. He noted that the results of this study can help inform the development of subsequent mitigation tools and the analysis will also result in prioritizing sites in the basin that warrant near-term attention. Mr. Cowman feels that by taking a proactive approach it could reduce potential negative economic impacts such as harmful Algal Blooms and help control potential future costs associated with mitigation, and better meet water discharge and permitting requirements. He added that not taking proactive steps would reduce the ability to effectively respond to these issues.

Commissioner Corrigan asked if there is a primary concern with Algal Blooms in the Stagecoach Reservoir. Mr. Cowman stated that that concern is part of it but there are also concerns with the discharges from the Phippsburg waste water facility into the Yampa River. He added that the potential upcoming lower limitations on nutrients, it could affect the County's ability to meet permit requirements.

Commissioner Corrigan asked if Colorado Parks and Wildlife (CPW) were involved with this study. Mr. Rossi stated CPW is a partner with the Upper Yampa Water Conservancy District at Stagecoach and to date CPW has provided funding for testing at the lake itself specifically for Algal Blooms. Commissioner Corrigan asked if there was residual from the flooding of the reservoir. Mr. Rossi stated that was taken into consideration during the study, but the data has not been analyzed yet. Ms. Halliday added that there 12 sites that are being looked at in addition to the reservoir. She continued to discuss some of the trends that are being discovered at these sites.

Commissioner Monger stated that the money for this study was approved in September 2018 but was not added into the budget, therefore the reason for the Commissioners approving it again.

Mr. Cowman discussed the idea behind the study and Commissioner Melton asked how long a study like this takes to complete. Commissioner Monger stated that existing data is looked at and Mr. Cowman added that the efforts to collect data on the Yampa River is just a data collection with no analysis. Mr. Rossi discussed the project timeline and noted that the USGS is the primary consultant on this project.

MOTION

Commissioner Corrigan moved to approve the supplemental budget request in the amount of \$5,000 and authorized the Chair to sign Resolution 2019-006 in support of the proposed USGS nutrient study.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: COUNTY ATTORNEY / ERICK KNAUS

Lynaia South, Assistant County Attorney; Sue Zulevich, Paralegal were also present.

DOCKET AND PENDING MATTER REVIEW

MOTION

At 1:43 p.m., Commissioner Melton 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 included the Board of County Commissioners, County Attorney Erick Knaus, Assistant County Attorney Lynaia South, Paralegal Sue Zulevich, County Manager Tom Sullivan and Deputy County Manager Dan Weinheimer.

Commissioner Monger seconded; the motion carried 3-0.

The executive session adjourned at 2:42 p.m. No minutes or formal actions were taken during the executive session and no decisions were made.

EN RE: COMMISSIONERS

COUNTY MANAGER ANNUAL REVIEW

MOTION

At 2:46 p.m., Commissioner Melton moved to enter Executive Session pursuant to C.R.S. 24-6-402 (4)(f) – Personnel Matters. Those present included the Board of County Commissioners Melton, Corrigan and Monger. Commissioner Melton noted that the Executive Session would be electronically recorded, however no minutes would be taken.

Commissioner Corrigan seconded; the motion carried 3-0.

The executive session adjourned at 3:20 p.m. No minutes or formal actions were taken during the executive session and no decisions were made.

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

Kim Bonner, Clerk and Recorder

M. Elizabeth Melton, Chair

Date