

Moffat County Board of County Commissioners
221 W Victory Way Suite 130 Craig, CO 81625

September 15, 2020

In attendance: Ray Beck, Chair; Don Cook, Board Member; Donald Broom, Board Member; Erin Miller, Deputy Clerk & Recorder; Josh Carney ; Shauana Merrill; Rebecca Tyree; Roy Tipton; Dan Miller; Melody Villard; Jeff Comstock; Lynnette Siedschlaw; Ken Wergin; Lennie Gillam; Arloa Gerber; Ann Dodd; Jayne Morley; Tom Kleinschnitz; LuAnn Kline; Paula Kinkaid; Rod Fisher; Amy Peck; Harold Rollins; Shawn Graff; Charles Hutchinson; Susan Mitchell; Diane Honerkamp; Kristen Grajeda; Aleta Brown; Mark Tolley; Sam Tolley; Glen Maigatter; Jamie Clark; Frank Walter; Sarah Moore

Call to Order
Pledge of Allegiance/Commissioner's Prayer

Commissioner Beck called the meeting to order

Cook made a motion to approve the amended agenda as presented. Broom seconded the motion. Motion carried 3-0.

Consent Agenda -

Review & Sign the following documents: (see attached)

Approve minutes:

- a) August 27; September 1
- b) Board of Health: August 20; September 2
- c) 2020-85: Resolution for Transfer of Payroll Warrants
- d) 2020-86: Transfer of Payment of Warrants for the month of September
- e) 2020-87: Transfer of Payment of Warrants
- f) MCTA/LMD Letter of Support
- g) State of Colorado Dept. of Healthcare Policy & Financing Intergovernmental Agreement with Department of Human Services

Broom made a motion to approve the consent agenda items A-G. Cook seconded the motion. Motion carried 3-0.

Public Comments, General Discussion & BOCC Reports:

BOCC:

- General Discussion was held among the Board:

✓ **Broom:**

- Discussed improvements to the Maybell Park
- High School Rodeo at the Fairgrounds this weekend
- Library Board meeting last night. Complimented Keisha (library manager) and her staff on keeping the library open.

✓ **Cook:** No comment

✓ **Beck:**

- “Protect Our Neighbors” COVID variance applied for by Public Health Department. Should know within the next day or so if it’s granted.
- Virtual AGNC meeting tomorrow.
- Club 20 Fall meeting and Candidate Debates Friday and Saturday in Grand Junction and virtually
- Ongoing budget meetings. Draft budget will be approved by October 15; final budget due by December 15.

Public Comment:

Sam Tolley commented on dealing with the developers of the powerline projects in the western portion of the County.

Constitution Week Proclamation (see attached)

Constitution Week is September 17-23, 2020. Members of the Daughters of the American Revolution attended the meeting and stood up to introduce themselves. Commissioner Beck read the proclamation into the record; he emphasized that it is a privilege to be an American. The DAR invited everyone to join them on the corner of Victory Way & Yampa Avenue, at noon on Thursday, September 17, to ring bells in honor of the Constitution.

Broom made a motion to approve signing the Constitution Week proclamation. Cook seconded the motion. Motion carried 3-0.

Staff Reports:

- Road & Bridge Department – Dan Miller**
 Final Settlement Letters: (see attached)
- Overton Recycling
 - Stripe A Lot

Miller presented final payment letters to both Overton Recycling (for tire recycling) and Stripe A Lot (road striping). Legal ads were run for both vendors and no one came forward with any liens or claim for either.

Cook made a motion to accept the Final Settlement letters to Overton Recycling and Stripe A Lot. Broom seconded the motion. Motion carried 3-0.

- Human Resources Department – Lynnette Siedschlaw**
- Personnel Requisition for DHS-Child Support Temporary Position(s)
 - Worker’s Compensation Discussion and the possibility of changing vendors

Siedschlaw (and Kristen Grajeda – Self Sufficiency Manager) also submitted a Personnel Requisition for DHS-Self Sufficiency Case Manager - Temporary Position. DHS has had two staff members quit in the last two months and until they can get new candidates hired and trained (a six month process), they want to temporarily hire an employee of Eagle County who will remotely process all of our Child Support claims.

Cook made a motion to approve the Personnel Requisition for DHS-Child Support Temporary Position. Broom seconded the motion. Motion carried 3-0.

Siedschlaw presented a letter to County Technical Services, Inc., stating that Moffat County wants to withdraw from their Workman’s Compensation Insurance coverage effective January 1, 2021. The County’s Workman’s Comp insurance has been out for bid; CTSI’s bid was \$331,000; Pinnacol’s (who the County had

been with for 40 years) bid was \$259,000. She recommended that the County move their Workman's Comp Insurance from CTSI to Pinnacol. She has to submit a withdrawal letter to CTSI by October 1st.

Cook made a motion to approve signing the withdrawal letter to CTSI. Broom seconded the motion. Motion carried 3-0.

Presentation:

EMS Program – Amy Peck

Peck spoke about talking to the Maybell and Artesia Fire/Ambulance Districts about joining in a possible Moffat County Ambulance District. This group is hoping to have a ballot question for next year, with financial help (for ballot question fees) from the City, County, Fire District and Memorial Regional Health. This group is working with a couple of different consultants for advice and direction. They are hoping to put out a survey that would tell what the community would be looking for in an acceptable ballot/tax request.

9:00 am - Public Hearing:

Planning & Zoning – Jerry Hoberg

- Bennet Minor Subdivision (S-20-01) – Sketch/Prelim
- Maigatter Minor Subdivision (S-20-02) – Sketch/Prelim
- PacifiCorp/Rocky Mountain Power/Gateway South Transmission Line CUP (C-20-03)

Beck read the Public Hearing protocol.

- Bennet Minor Subdivision (S-20-01) – Sketch/Prelim

Hoberg explained that Bennet's want to subdivide their property that sits on the SE corner of Highway 40 and County Road 30. They want to divide the property in half; one half will be the house on the property and the other half will be the cabins that they rent out to hunters and construction workers. This request will come back to the BOCC October 13 for final determination.

Beck asked the required three times if anyone wanted to testify either for or against this request; there was none.

In regular session, Cook made a motion to approve the Sketch/Prelim for the Bennet Minor Subdivision. Broom seconded the motion. Motion carried 3-0.

- Maigatter Minor Subdivision (S-20-02) – Sketch/Prelim

Hoberg presented information on this 33.68 subdivision request; it will be divided into three parcels. This request will come back to the BOCC October 13 for final determination.

Beck asked the required three times if anyone wanted to testify either for or against this request; there was none.

In regular session, Broom made a motion to approve the Sketch/Prelim for the - Maigatter Minor Subdivision. Cook seconded the motion. Motion carried 3-0.

- PacifiCorp/Rocky Mountain Power/Gateway South Transmission Line Conditional Use Permit (C-20-03)

Hoberg described the 416 mile route that the Gateway South Transmission Line would take. There are 26 landowners whose properties are wholly affected by this project. 350 adjoining property owners were also notified by letter.

Rod Fisher and Shawn Graff of Rocky Mountain Power came before the BOCC to explain placement of the powerline and the processes they have had to go through (for nine years) to get this approved by the various agencies that are involved. Rather than leases, RMP is seeking “perpetual easements” with all of the directly affected landowners. They also thanked Moffat County for all their support of this project. One of the biggest problems is shared setbacks with the Transwest project and then, private property owner setbacks. The letters of intent that were sent out to all of the adjacent property owners contained one catch phrase (“eminent domain”) which many found very disturbing. Graff said that eminent domain is something that they are statutorily required to mention and is only something they use as a very last resort.

Beck asked if anyone wanted to testify against this request.

Against:

Jamie Clark is going to meet with Rocky Mtn. Power on her property (off HWY 40 - close to Deer Lodge Park Road) today to see if they can shift the powerline away from the area where her campers are parked. She questioned what if they can't shift it away from the area she is concerned about?

Jayne Morley expressed concern that the company needs to hold local landowner rights above company investor interests.

Harold Rollins requested that the BOCC not grant the CUP until 90% of the landowners are on board, have surveys and signed agreements.

Frank Walter, an attorney representing the Pauls, owners of some cabins near Elk Springs, stated concerns that his clients have about the proximity of the powerline being so close to their cabins. They would like a 1000' setback, but because of the placement of the Transwest line, that might be difficult.

Sam Tolley & Mark Tolley both spoke about the necessity of working with the landowners

Rod Fisher and Shawn Graff came back up before the BOCC to rebut or answer any concerns that members of the audience had expressed. Their intention is to work in good faith with every single land owner. It's also very important to them to have all of the permits and approvals in place.

Beck asked the required three times if anyone wanted to testify in favor of this project; there was none.

For comparison, Hoberg explained in more detail about the processes of the Transwest project, in acquiring their CUP.

Commissioner(s) Broom and Cook both emphasized how important it was to them that all permits and landowner agreements be in place before the CUP is granted.

Commissioner Beck said while they appreciate the partnership with Rocky Mountain Power on this project, it was the citizens of Moffat County who elected them and who they represent. As long as RMP meets the criteria, the County won't hold the process up.

The Public Hearing was closed.

There was further discussion about the wording of the motion.

In regular session, Cook made a motion to table the CUP until all of the good faith negotiations (with signed agreements) are complete with the majority of the landowners (excluding any court cases). Broom seconded the motion. Motion carried 3-0.

Recess

Office of Development Services – Roy Tipton Courthouse presentation

Tipton presented a PowerPoint slide show regarding the proposed new Courthouse project in the old Kmart building. He discussed the results of a feasibility study/evaluation that was done by Traenor HL.

Problems with current building (50,000 sq ft):

- Old jail area is not useable, even for storage
- Lacking in square footage, especially on the Court Level. Floor plan is very cut-up trying to make it useable – not good use of space
- Lacking ADA compliant facilities; not enough bathroom facilities in the entire building for level of occupancy
- No fire sprinklers or alarms
- Security – public check-in; jury check-in
- No enclosed/secured delivery of in custody prisoners
- Only one attorney/client meeting room
- DA's Office/Probation Office are overflowing
- DHS Office and Extension Office also in repurposed, older buildings that lack security and confidentiality

According to the Space Needs Study, we need approximately 59,000 square feet, including all the County administrative offices, Extension Office, Public Health, County Attorney & DHS, and a 42,000 sq. ft. secured judicial section that would include 14th Judicial District offices, Probation & District Attorney.

One function of the Space Needs Study was to determine if we could reuse the current building. One solution was to build an addition (initially for Courts and DHS) in the back parking lot to avoid the problem of trying to rehab the building while still using it on a daily basis.

The construction (estimated) cost breakdown between the two facilities:

Remodel current Courthouse - \$45,000,000

Kmart Building – \$25, 281,000

The sale price of the Kmart building is \$2.25 million; the estimated construction cost budget is \$20 million. The proposed way to pay for this project would be to use the Certificates of Participation bonds that currently are being used for the Public Safety Center. Those bonds will be retired in 2023 and 2025; they could be refinanced to cover construction costs for the new Courthouse project. The building could be purchased with Anvil Points monies, plus mineral monies that are currently allocated to the Fairgrounds and Senior Housing, a portion of which could be reallocated to this project.

Commissioner Beck mentioned that they had seen this same presentation last Tuesday in a workshop with representatives from the City of Craig and Frank Moe, who is thinking about developing an "Adventure Center". He had also been considering using the Kmart Building, but is now looking at the old Safeway or mall building instead.

Beck thanked Tipton for all his hard work on this project, thus far. In the next eight years, there is the potential for the courts to order the County to build a new courthouse, which could cost upwards of \$50 million, and in the next eight years, the Counties' tax base will be easily cut in half. It will be much more cost effective to remodel the Kmart building and get three buildings into one. Commissioner Cook reminded the Board that even though Judge O'Hara has been very patient with the County on making current conditions in the building work for the courts, those only go so far.

The next steps would be to schedule public hearings for feedback.

Meeting adjourned at 11:08 am

The next scheduled BOCC meeting is Tuesday, September 29, 2020

Submitted by:

Erin Miller, Deputy Clerk and Recorder

Approved by: Ray Beck

Don Cook

Donal Brown

Approved on: Sept-29, 2020

Attest by: Erin Miller

