

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

**October 13, 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; Melody Villard; Jeff Comstock; Lynnette Siedschlaw; Tammy Raschke; Dan Miller; Jerry Hoberg; Ken Wergin; Tom Kleinschnitz; Mindy Curtis; Lennie Gillam; John Anderson; Marianne Maigatter; Kelly Corff; Steve Hilley; Lloyd Powers; Jay Cranmer; KC Hume; Jeff Richards

**Call to Order  
Pledge of Allegiance/Commissioner's Prayer**

Commissioner Beck called the meeting to order

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

**Consent Agenda -**

Review & Sign the following documents: (see attached)

Approve minutes:

- a) September 29
- b) 2020-97: Resolution for Transfer of Payroll Warrants
- c) 2020-101: Transfer of Payment of Warrants for the month of October
- d) 2020-100: Approving the 2021 LMD Budget and Strategic Operating Plan
- e) Department of Human Services August Electronic Transactions
- f) Core Services Contract w/Schmidt Polygraph & Counseling
- g) Discharge Monitoring Report: Limestone Pit
- h) Lease extension for the Limestone Pit
- i) MCTA 2021 office space lease

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

**Public Comments, General Discussion & BOCC Reports:**

**BOCC:**

- General Discussion was held among the Board:

✓ **Broom:** No comment

✓ **Cook:**

- Commented on COVID case at Ridgeview school

✓ **Beck:**

- Beck & Tipton will be attending the City Council meeting tonight to update them on the Loudy-Simpson Park project

- AGNC meeting (virtually) in Rangely on October 21
- Leafy Spurge meeting (virtual) on October 14
- Club 20 caucus was held on October 1

### Library Board appointment (see attached)

A letter of interest was received from Kendre DiPietro for an open five year term on the Library Board of Trustees. This seat has been vacant for quite a while, and the Board is happy for any interested parties.

Broom made a motion to appoint Kendre DiPietro to the Library Board of Trustees. Cook seconded the motion. Motion carried 3-0

### Staff Reports:

#### Clerk & Records Office – Tammy Raschke

**Resolution 2020-98: Resolution Authorizing the Office of the Moffat County Clerk & Recorder, including the Motor Vehicle Office, to Close to the Public for the date of 2020 General Election, November 3, 2020 (see attached)**

Raschke presented **Resolution 2020-98**, a resolution authorizing the Office of the Moffat County Clerk & Recorder, including the Motor Vehicle Office, to close to the public for the date of 2020 General Election, November 3, 2020. This will allow the office to not be as congested as it might normally be, and will also allow the staff to help with the election process.

Cook made a motion to approve **Resolution 2020-98: Resolution Authorizing the Office of the Moffat County Clerk & Recorder, including the Motor Vehicle Office, to Close to the Public for the date of 2020 General Election, November 3, 2020**. Broom seconded the motion. Motion carried 3-0.

#### Office of Development Services – Roy Tipton

**Final settlement letter to Wagner Construction for the Loudy-Simpson Park Boat Ramp Project (see attached)**

Tipton presented a final payment letter to Wagner Construction for the Loudy-Simpson Park Boat Ramp Project. Two Legal Ads were run for this vendor and no one came forward with any liens or claims.

Broom made a motion to release the Final Settlement to Wagner Construction. Cook seconded the motion. Motion carried 3-0.

#### Road & Bridge Department – Dan Miller

**Monthly Report (see attached)**

1. **Crusher** – We are at the Smith pit crushing. We had a transfer off the crusher and hired a new operator who has over 20 years' experience on crushers.
2. **Truck crew** is almost finished with CR 7 from the end of pavement to Great Divide. CR 7 hasn't had gravel since 2013 and that was only 3 miles. This will be the first time the entire length has been graveled in at least 20 years. We also rebuilt 2.5 miles of CR 74 just east of Maybell. It was narrow with poor ditches and it was difficult to keep snow from drifting it shut in the winter. Bower Brothers has a gravel pit on CR 74 and they donated over 2400 cubic yards of gravel for the project. That saved the county around \$17,000 for materials plus it saved trucking time.



3. The grader crew has been working on the roads as much as we can with the dry weather. Many of the blade hands have been helping the truck crew haul gravel and water. They are also prepping aprons on several county roads for asphalt as well as repairing some settled spots in the asphalt in Shadow Mountain.
4. The bridge /mag crew has been cleaning cattle guards and repairing broken guards. They have also installed several new guards. The Bridge crew has also loaned a couple guys to the truck crew as needed.
5. The construction crew has been busy. They made improvements at the Maybell Park which included removing the old asphalt, widening the road and building bigger camp sites on the east side. There will be more to do next year. The construction crew has also been at Loudy-Simpson Park. They added to the new road and dug the footers for the new structure. They are now at the landfill placing final cover on part of the older cells and mining daily cover dirt.
6. Landfill – We recently had a guy retire from the landfill and we will have a new guy in place on the 19th. This has left us shorthanded but we are using road and bridge personnel as needed to fill in.

Commissioner Beck complimented the customer service skills of the Landfill manager, Shane Kawcak.

#### **Human Resources Department- Lynnette Siedschlaw**

##### **EH&W Center Discussion and possible approval of extending hours by one day per week**

Siedschlaw came to discuss the possibility of adding an additional day to the schedule of the Employee Health & Wellness Clinic. Currently it is open Monday, Wednesday and Friday and the Employee Health Insurance Board would like to add one more day a week to that. Utilization numbers are definitely up since UC Health has taken over and we are looking at also running our Workman's Comp visits through the EH&W Clinic. All of the BOCC remarked that the clinic is a great benefit for the employees, and advised Siedschlaw to move forward in working with UC Health to see if this would be a viable option.

#### **Recess**

#### **9:00 am - Public Hearing:**

##### **Planning & Zoning – Jerry Hoberg (see attached)**

- Bennet Minor Subdivision (S-20-01 – Final)
- Maigatter Minor Subdivision (S-20-02 – Final)
- Corff Second Residence CUP (C-20-04)
- Comstock Exemption (E-20-02)
- Hilley Exemption (E-20-03)
- Aspen Ridge Acres Replat (S-20-03)

Beck read the Public Hearing protocol.

There was not a quorum at the last Planning & Zoning meeting, so it has to come before the BOCC for approval.

- Bennet Minor Subdivision (S-20-01) – Final

This request had originally come before the BOCC September 15 for a preliminary hearing. 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.

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

- **Maigatter Minor Subdivision (S-20-02) – Final**

This request had originally come before the BOCC September 15 for a preliminary hearing. Hoberg presented information on this 33.63 subdivision request; it will be divided into three parcels.

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 give final approval(s) for the Bennet Minor Subdivision, and the Maigatter Minor Subdivision. Broom seconded the motion. Motion carried 3-0.

- **Corff Second Residence CUP (C-20-04)**

Applicant would like to put in a second residence on their 58 acre parcel on MCR 82, off CR 7.

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 give final approval for the Corff Second Residence CUP. Broom seconded the motion. Motion carried 3-0.

- **Comstock Exemption E-20-02**

Applicant owns a 40 acre parcel and would like to exempt off 10 acres.

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 give final approval for the Comstock Exemption. Cook seconded the motion. Motion carried 3-0.

- **Hilley Exemption E-20-03**

Applicant owns 40.857 acres on MCR 33 (Knez Divide); the requested exemption is for 7.638 acres on the other side of the County Road

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 give final approval for the Hilley Exemption. Cook seconded the motion. Motion carried 3-0.

- **Replat Lots 3 & 4 of Aspen Acres (Wilderness Ranch) (S-20-03)**



This purpose of this replat request is to adjust for a house built partly on the wrong lot. Both lots will have the same acreage after the replat. The owners were not able to be present for the Public Hearing, but Lloyd Powers was there to represent both property owners.

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 give final approval for the Hilley Exemption. Broom seconded the motion. Motion carried 3-0.

#### 9:30 am - Public Hearing:

##### Finance Department - Mindy Curtis 2021 Proposed County Budget (see attached)

Beck read the Public Hearing protocol.

Curtis presented and explained the narrative for the 2021 County Budget. By state statute, the proposed budget has to be presented by October 15. She emphasized that at this time, all budget items are still under discussion.

Highlights include:

- The budget is being held flat
- The largest component unit of the budget is Memorial Regional Health
- The remaining County budget without the hospital component is \$40,260,000 (1.4% less than 2020 budget)
- 1% cost of living raise for employees (only the 4<sup>th</sup> since 2013)
- Reduced road improvements and maintenance for lack of funding
- Decreased revenue projections:
  - o Oil & Gas Severance Tax (removed from 2021 budget)
  - o Federal Mineral Lease
  - o HUTF reduced due to COVID based travel restrictions

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

Broom made a motion to approve the proposed 2021 budget. Cook seconded the motion. Motion carried 3-0. Commissioner Cook expressed appreciation to Curtis and her staff and all of the Department Heads and Elected Officials for all of their work to bring in this balanced budget.

#### Recess

#### Public Hearing: 10:00 am

##### 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 TraenorHL. Prior to embarking on the feasibility study, installation of a single point of entry (security) was looked at for the

current courthouse, at a cost of \$600,000. It was thought at the time, that it might be better to invest in a whole new building, and also bring in DHS and the Extension Office.

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, Veterans Services, County Attorney & DHS, and a 42,000 sq. ft. secured judicial section that would include 14<sup>th</sup> 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. With this proposal, parking would also be a problem; the Extension Office building would have to be taken down.

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 are due to 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 (\$1.7 million), plus mineral monies that are currently allocated to the Fairgrounds and Senior Housing, a portion of which could be reallocated to this project. The finishes for this building would not be extravagant, very basic. Tipton included information on tax revenues coming into the County in the next few years.

Beck asked the required three times if anyone wanted to testify for this request.

**Ken Wergin (Citizen/Taxpayer):** Recounted an incident that occurred when he was in the Courthouse. Concerned about the safety of people in the building when situations arise that requires a safe exit. As a citizen, he would like to see this done in a good, fiscally responsible way and appreciates the process that the County has gone through.

**Lennie Gillam (Facilities Director for Moffat County/Business Owner):** Knows this building intimately; parts of it are definitely wearing out. Applauds the BOCC for looking at ways to accomplish this project ahead of the curve, without raising taxes



Beck asked the required three times if anyone wanted to testify against this request.

**Jeff Richards:** Encouraged the BOCC to not give into the “paranoia” of safety concerns, to be conservative in spending due to all the unknowns coming down the road.

Tipton commented that he was supposed to be getting a second opinion on construction costs, but would not have those until Thursday. He will share those at a future meeting.

Beck asked Tipton to explain the situation of this question going to voters vs. refinancing the existing bonds. In 1997 when the sales tax was originally on the ballot, the language stated that the tax was for County-wide capital expenses. At the time, it was used for the Public Safety Center; now, we are looking at a similar situation. There is no need to go back before the voters with this question.

Commissioner Cook commented that the language in that tax states that it is for capital expenses only. Not balancing the budget; just what it was specifically designed for and voted on by the people.

Tipton said that this has been talked about for 20 years. The capital fund (\$550,000) that has been there since 2006, has been designated to go towards either expansion or improvements of the Courthouse. We are just trying to be proactive before we are forced to do it by either a lawsuit or being ordered by the judge to do it.

Beck said not only does the BOCC have to think about this from a taxpayer standpoint, but also from the standpoint of the people that work in this building and use it. It would be throwing good money after bad to keep putting a band aid on this building.

#### Regular Session:

- Discussion and possible decision regarding future Courthouse Project

Tipton recommended as a next step to authorize beginning negotiations with owners of the Kmart building.

- Resolution 2020-102: Authorizing Negotiations for Purchase of Real Property for the use of Moffat County

Cook made a motion to approve Resolution 2020-102: Authorizing Negotiations for Purchase of Real Property (Kmart building) for the use of Moffat County. Broom seconded the motion. Motion carried 3-0. Beck read a portion of the resolution.

There was some further discussion about the tax base and future projected revenues.

Beck read 2 quotes he felt were applicable: “Often times we limit ourselves to what is comfortable and deny ourselves to what is possible.” & “In any moment of decision, the best thing you can do is the right thing, the next best thing is the wrong thing and the worst thing you can do is nothing.” Beck said he felt that this board would not choose to do nothing, and thanked everyone for their due diligence.

Meeting adjourned at 11:08 am

The next scheduled BOCC meeting is Tuesday, October 27, 2020

Submitted by:

Erin Miller, Deputy Clerk and Recorder

Approved by:

Ray Beck

Donal Broom

Donal Broom

Approved on:

October 27, 2020

Attest by:

Erin Miller

