

RESOLUTION 2021-74

DISAPPROVING SERVICE PLAN OF THE NORTHWEST COLORADO PARKS AND RECREATION DISTRICT

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S.) § 32-1-203, the Moffat County Board of County Commissioners is the approving authority which shall review any service plan filed by the petitioners of any proposed special district; and

WHEREAS, Notice of Public Hearing Regarding the Service Plan for the NORTHWEST COLORADO PARKS AND RECREATION DISTRICT was advertised in the Craig Press on the 19th day of May, 2021, on page 20, and a Public Hearing for said District was held at 9:15 AM on June 8, 2021, at the Commissioners' Chambers at the Moffat County Courthouse, 221 West Victory Way, Craig, Colorado, and at 6:00 PM on June 14, 2021, at the Moffat County Fairgrounds Pavilion for the purpose of taking evidence and testimony concerning the organization and Service Plan for the District; and

WHEREAS, the Moffat County Board of County Commissioners convened for hearing at 9:15 AM on June 8, 2021 and at 6:00 PM on June 14, 2021. Present in person were Donald Broom, Chair, District 3; Commissioner Tony Bohrer, District 1; Commissioner Melody Villard, District 2; Chuck Cobb, County Assessor, Rebecca Tyree, County Attorney; Erin Miller, Administrative Assistant to the Board of County Commissioners; Jeff Comstock; Roy Tipton; Dimitar Tzerovski; Vickie Huyser; Jane Morley; Jim Ayres; Allen Hischke; Lynne Seely; Dave Seely; Shirley Seely; Amanda Tomlinson; Are King; Melany Neton; Elise Sullivan; Marvel Siminoe; Ken Pattison; Kenneth Pattison; Judy Kuberry; Patty Ferguson; Frank Moe; Daniel Rinker; Karen Burley; Randy Looper; Sheri Sandford; Francine Louder; Mike Kuberry; Curt Weiss; Jesse LaRose; Bruce Cummings; Kirstie McPherson; Roger Richmond; Darrell Camilletti; Kasey Anderson; Isis Rich; Laura Rich; C.A. Kerste; Thomas Patton; Katie Lee; Sally Smith; Tom Arellano; Tom Gray; Stacy Gray; Janice Maxfield; Jay Maxfield; Liane Davis-Kling; Allan Reishus; Ben Cordle; Tom Gilchrist; Janice Nicoletto; Albert Villard; Dan Seely; Marcie LaFevre; Amy Peck; Sue Eschen; Gary Lovejoy; Chris Nichols; Nathan Butler; Justin Kuhn; DeLaine Voloshin; Galan Almy; Harold Rollins; Jane Hume; Allison Cutler; Carol Haskins; Sue Voloshin; Sonja Hammond; Kathy Shea; Pamela Gerber; Sandra Cordle; Staci Nichols; Deana Armstrong; Randy Stevens; Danny Pearce; Stephanie Pearce; Kathy Shea; Randy Stevens; Becky Fritz; Emma Fritz; Terry Arnold; Ernie Arnold; Are King; MaryIris Gottschall; Kandee Dilldine; Rosalie Bechthold; Albert Villard; Gina Robison; Misty Jones; Johnny Ford; Matthew Dilldine; Glenda Bellio; James Neton; Alexa Neton; Patrick Neton; Hayden Short; Tom Cramer; Melany Neton; Sylvia Griffiths; Michael Morriss; Kendra DiPietro; Ozzie Kerste; Delaine Voloshin; Teri Mansfield; Jessie Cramer; Lois Wymore; Jay Wymore; Tracy Wall; Tulila Gunderson; and Mark Ball.

Nicole Garrimone-Campagnie, attorney for the petitioners, appeared in person on June 8, 2021, and by Zoom on June 14, 2021.

WHEREAS, the hearing was conducted in accordance with the provisions of C.R.S. § 32-1-204; and

WHEREAS, at the conclusion of the hearing, the Board took the matter under advisement and consideration and announced it would advise the petitioners for the special district in writing of its action on the service plan within twenty days after the completion of the hearing.

NOW THEREFORE, the Board of County Commissioners of the County of Moffat, Colorado, sitting as the Approving Authority for the service plan filed by the petitioners for the Northwest Colorado Parks and Recreation District, makes the following findings and decision:

FINDINGS:

1. Pursuant to C.R.S. § 32-1-202, on April 23, 2021, the petitioners of the NORTHWEST COLORADO PARKS AND RECREATION DISTRICT, filed a Service Plan for said District with the Board of County Commissioners of Moffat County.
2. A Notice of Public Hearing Regarding the Service Plan for the NORTHWEST COLORADO PARKS AND RECREATION DISTRICT was advertised in the Craig Daily Press on the 19th day of May, 2021, on page 20, and a Public Hearing for said District was held at 9:00 A.M. on June 8, 2021, at the Commissioners' Chambers at the Moffat County Courthouse, 221 West Victory Way, Craig, Colorado, and at 6:00 P.M. on June 14, 2021, at the Moffat County Fairgrounds Pavilion for the purpose of taking evidence and testimony concerning the organization and Service Plan for the District.
3. On June 8, 2021, and on June 14, 2021, a hearing was held and a record made as required by C.R.S § 32-1-204(3).
4. All three members of the Board of County Commissioners attended the Public Hearing on June 8, 2021, and on June 14, 2021, reviewed the evidence and heard the testimony.
5. At the hearing, the Board of County Commissioners received informational statements and oral evidence regarding the proposed NORTHWEST COLORADO PARKS AND RECREATION DISTRICT (also called "District" hereafter) and the Service Plan.
6. Pursuant to C.R.S § 32-1-204(3), the Board of County Commissioners has considered letters for and against the formation of the proposed special district, including statements in letters requesting the exclusion of property from said district to be relevant to the organization of the proposed district.
7. Pursuant to C.R.S § 32-1-204(3), the Board of County Commissioners has considered RESOLUTION NO. 8 (2021), A RESOLUTION SHOWING SUPPORT FOR THE SERVICE PLAN OF THE NORTHWEST COLORADO PARKS AND RECREATION DISTRICT, indicating support of the proposed Service Plan of the Northwest Colorado Parks and Recreation District by the City of Craig, to be relevant to the organization of the proposed district.
8. The petitioners for the NORTHWEST COLORADO PARKS AND RECREATION DISTRICT presented testimony and a Power Point presentation from Elise Sullivan. Elise Sullivan stated there is a need for the proposed services, that the 2003 Moffat County

Master Plan, the 2014 Moffat County Vision 2035, and the 2019 City of Craig Parks and Recreation Master Plan all discussed pursuing a recreation center. On April 13, 2021, the City of Craig endorsed the Service Plan in Resolution 8 (2021). Citing the lack of access to public indoor swimming in Moffat County, including difficulties having a swim team, swimming lessons, lifeguard classes and Red Cross training, Special Olympics, swimming for retirees and new citizens, Elise Sullivan stated that existing recreation services are inadequate. A proposed leisure pool with a lazy river would provide other opportunities for recreation and would also generate more revenue than the lap pool. There is also no indoor track and there is insufficient gymnasium space, causing the City of Craig to utilize space at Moffat County Schools for Parks and Recreation programs. Elise Sullivan testified that drop-in child care is not available locally and there is a need for those services, as well as needs for a Teen Center, an event space, and a Senior Center.

9. Elise Sullivan testified that the proposed District will provide economic and sufficient services and presented a slide from GreenPlay, LLC with annual operations and maintenance budget projections for the Craig Recreation and Aquatic Center. She stated it is estimated that 46% of operating costs are expected to be recovered. Proposed Operating Expenses for the first year for personnel, contractual services, and commodities come to \$1,700,632, and estimated revenues for the first year from passes, admissions, rental, recreation programs, and customer services come to \$786,840. The Northwest Colorado Recreation Foundation considered three cost models for a recreation center. With a private model, it would be hard to afford a 6-lane competitive pool. With a non-profit model, they would probably have to fund raise for about ten years and it would be a smaller model. A recreation district model has been successful in other locations, including Meeker, Rangely, Delta County, and Montrose County. Elise Sullivan testified that the District will have the financial ability to discharge the proposed indebtedness, with a total estimated cost for the project projected at \$25,230,000. The 47,000 square foot building would have direct construction costs of \$18,200,000 and estimated soft costs of \$4,730,000. The site would have direct construction costs of \$1,950,000, with estimated site soft costs of \$350,000. The District's assessed value takes into account depreciating property values after the closure of local energy companies. She testified that the Foundation had already secured a DOLA grant and that the District would be eligible for GO-CO grants. With regard to letters requesting the exclusion of properties from the district, Elise Sullivan testified that it would increase administrative costs for the County Clerk and the County Assessor if properties are excluded, would mean the owners and residents of those properties would not be able to vote with regard to the District, and it would not be in the best interests of the District if there were fewer participants in the District. Her testimony concluded with expected economic and health benefits from having the proposed District, including increased property values, construction employment, employment at the District, the ability to recruit and retain high level employees, to attract businesses, to attract and employ college students, economic growth, physical and mental health, and future collaboration with City and County Parks Departments.
10. On June 8, 2021, the following citizens testified in support of the District: Nathan Butler, Tom Gilchrist, Ken Wergin, Randy Looper, Curt Weiss (with reservations), Jesse

LaRose, Kathy Shea, Amy Peck, and Melanie Neton. On June 14, 2021, the following citizens testified in support of the District: James Neton, Michael Morriss, Alexa Neton, Mary Iris Gottschall (with reservations), Sylvia Griffiths, Becky Fritz, Emma Fritz, Tracy Wall, Tulila Gunderson, Johnny Ford, Lois Wymore, Marvel Siminoe, Misty Jones, and Are King. Testimony in support of the district addressed the following:

- a. Children need a place to hang out and a place to recreate. Youth need this.
- b. In support of public recreation – public schools and public parks provide baseball, basketball, walking, running, fishing, and snowshoeing. A recreation center can do more.
- c. A recreation center will be a draw for the college, to attract both students and faculty. The college will still be around when the power plant closes.
- d. Some members of the Senior Social Center support this. Seniors cannot access all the kinds of outdoor recreation that others can.
- e. Real estate is very strong here and a recreation district will help new residents.
- f. It is hard getting space for basketball tournaments, because the school use comes ahead of other uses. More courts are needed.
- g. A pool is needed for competition. Twenty girls on the swim team must take a bus to another county to use a pool.
- h. Lifeguards can be trained locally if there were a pool. Lifeguards recently saved two people in Moffat County.
- i. A recreation center provides many and varied opportunities to improve health. It will bring people together and provide swimming, basketball, pickleball, training for lifeguards and water safety instructors, another place for public meetings, and the like.
- j. There is something in this recreation center for everyone and this is a risk worth taking.
- k. There are many health benefits from water exercises for seniors, because water helps support a person and is easier on joints.
- l. Some medical conditions are best treated by exercising in water.
- m. A recreation center could offer a swim program to elementary age students.
- n. A recreation center can increase good mental health.

11. On June 8, 2021, the following citizens testified in opposition of the District: Daniel Rinker, Francine (Toni) Louder, Pamela Gerber, Allen Hischke, Allison Cutler, Harold Rollins, Kenneth Pattison, Armando Martinez, Tom Gray, Isis Rich, Laura Rich, Dan Seely, Stephanie Pearce, Dave Seely, Jayne Morley, Steve Cattoor, and Vickie Huyser. On June 14, 2021, the following citizens testified in opposition of the District: Kendra DiPietro, Glenda Bellio, Rosalie Bechthold, Albert Villard, Tom Cramer, Gina Robison, Mark Ball, Terri Arnold, Danny Pearce, Randy Stevens, and Ozzie Kerste. Testimony in opposition of the district addressed the following:

- a. People pay to hunt or fish – the people who do the playing ought to do the paying.
- b. Construction costs for a recreation center are likely to cost more because the cost of materials is higher. We need to live within our means.
- c. There are lots of empty buildings in Craig. If an existing building is used, it will cost way less than 25 million dollars.

- d. There are lots more important things to spend money on – the county is losing its biggest employers and people should pay for their own recreation.
- e. Craig already has three indoor gyms and two dance studios. Grocery prices have doubled and inflation is through the roof; good paying jobs are going away; and COVID-19 restrictions have hurt businesses. This is just not the right time for this.
- f. Not wanting another board to decide how to spend taxpayer money. Is for health, but is not in favor of more taxes.
- g. When the mines close, Moffat County is likely to lose people.
- h. Moffat County has abundant recreational land, with fishing, mountains, snowmobiling, and sleds. Children can play outside. People can find things to do without there being a recreation district.
- i. Moffat County will lose half of its assessed value in ten years. Special districts often request more mills than they need and then they operate on “auto-pilot”. Moffat County is likely to struggle to provide basic services.
- j. The District will have powers of eminent domain.
- k. This is not the right timing for this – people do not need more money pulled from their pockets.
- l. The owner of a fitness center testified he is “opposed as proposed” and wonders if it couldn’t be scaled back. This will compete with his business and his business will be taxed to pay for it.
- m. The salaries proposed are too low. How will they keep a recreation center looking good when they pay what they propose to pay?
- n. A business owner saw valuations go up by 45% - with increased costs and an increased valuation of his business, he will have to raise prices to come out okay.
- o. Increased taxes put homeowners at risk. Most of what the service plan proposes, Moffat County already has. The current outdoor pool should be maintained.
- p. With three possible ballot measures which could increase mills by 22 mills, this potential increase in taxes is a lot for one community at one time.
- q. Lots of people moved to Craig when there was no recreation center in Craig – what Craig needs is jobs. If people want a recreation center, they can move to another location.
- r. The projected costs are unbelievable.
- s. Have soil samples been taken and the water table underlying the proposed site been considered?
- t. As values of properties have increased, taxes have also increased and some people are on a fixed income. People have to survive and are concerned about how they will pay more taxes.
- u. Pools cost a lot to maintain. Why not cover the pool that is here?
- v. Increased taxes put people at risk of going out of business. Except for a pool, there are plenty of opportunities for recreation.
- w. Other pools have failed because of the cost of maintaining them. Maybe a pool could be added to the Boys and Girls Club.
- x. Recreation is not an essential service and questions whether taxes should fund recreation.

12. Chuck Cobb, the Moffat County Assessor, testified regarding a tax of 9.96 mills as of January 1, 2021 and, assuming that current assessment rates stay the same as they are at present, stated the tax for a home with an actual value of \$200,000 would increase by \$142.43 per year; the tax for a business with an actual value of \$200,000 would increase by \$577.68 per year; the tax on business personal property with an actual value of \$10,000 would increase by \$28.88 per year; and the tax on severed minerals with an actual value of \$345 would increase by \$1.00 per year.
13. At the conclusion of the portion of the hearing held on June 8, 2021, Elise Sullivan provided additional information about the Northwest Colorado Recreation Foundation and the proposed site for the recreation center and Nicole Garimone-Campagna, attorney for the petitioners, addressed concerns about eminent domain, explaining that a recreation district has very limited powers of eminent domain.
14. The Board of County Commissioners has reviewed the proposed Service Plan for the NORTHWEST COLORADO PARKS AND RECREATION DISTRICT and finds that it contains the information required for this service district by C.R.S. §32-1-202.
15. The Board of County Commissioners received 398 written requests to be excluded from the proposed District. Some of those requests were for more than one property and included requests for either residential properties or commercial properties or both to be excluded from the District. Approximately 30 requests to be excluded from the District arrived after the deadline, so those requests were not timely. On June 28, 2021, following discussion about the proposed District and the Service Plan for the District, the Board considered that some who requested for their property to be excluded may not have known that they could not vote with regard to the District if they did not reside in the District. The Board reviewed the statutory requirements of the service plan before making its decision regarding requests to be excluded from the District. The evidence shows there is a need for an indoor pool and additional gym space with courts for basketball. If all those who request for their property to be excluded from the District are granted their requests, it will be difficult for the Service plan to have the financial ability to pay salaries or pay the proposed indebtedness. Many of the requests for exclusion and testimony at the Public Hearing came from taxpayers with financial limitations who were having difficulty paying their bills. Because the need for organized service in the area to be served by the proposed special district includes folks from Sunbeam, Maybell, and Elk Springs, residents of those communities would not be likely to use the services of the proposed District because of distance and because they have ample opportunities for recreation where they live. On June 28, 2021, the Board voted to grant all of the requests for exclusion from the District.
16. Pursuant to C.R.S. § 32-1-203 (2), the Board of County Commissioners shall disapprove the service plan unless evidence satisfactory to the Board of each of the following is presented:
 - a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.

- b. The existing service in the area to be served by the proposed special district is inadequate for present and projected needs.
 - c. The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.
 - d. The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
17. Evidence presented to the Board was not satisfactory as to C.R.S. § 32-1-203 (2) (a), that there is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district. While evidence indicated there is a need for a pool, for an indoor walking area in winter conditions, and for gymnasiums with court space, evidence also indicated there are organized activities and recreational opportunities through the City of Craig Parks and Recreation and the Moffat County Schools, as well as many opportunities for recreation in the community. No evidence has been presented to support there is a projected need for organized service in Sunbeam, Maybell, and Elk Springs, whose residents have ample opportunities for recreation closer to home and are unlikely to travel because of the distance to a recreation center in Craig.
18. Evidence presented to the Board was not satisfactory as to C.R.S. § 32-1-203 (2) (b), that the existing service is inadequate for present and projected needs. “Inadequate” is defined as “lacking the quality or quantity required or insufficient for a purpose.” After considering the definition of “inadequate”, Moffat County has existing services which are adequate services for present and projected needs for recreation. Although it would be nice to have a covered pool, a place to walk safely in inclement weather, and additional court space for basketball and similar sports, the existing recreational services are not inadequate.
19. Evidence presented to the Board was not satisfactory as to C.R.S. § 32-1-203 (2) (c), that the proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries. While evidence supported the value of some of the services proposed in the Service Plan, the evidence clearly indicated that the overall cost of the Service Plan was not economical and was burdensome to taxpayers.
20. Evidence presented to the Board was not satisfactory as to C.R.S. § 32-1-203 (2) (d), that the area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis. All requests for properties to be excluded from the District were granted. With so many properties excluded from the District, no evidence was available regarding the financial ability of the District to discharge the proposed indebtedness on a reasonable basis.
21. Evidence presented to the Board was not satisfactory as to C.R.S. § 32-1-203 (2.5) (e). The creation of the proposed special district will not be in the best interests of the area proposed to be served. There were more than 400 requests for properties to be excluded from the proposed District, with many of the requestors stating financial hardship as the basis for their request. Testimony to the Board was more negative than positive and,

many people, including business owners, are struggling financially in the aftermath of COVID-19. Employment opportunities at the mines and the power plant are decreasing and will soon cease to be available. The creation of the proposed special district with the proposed Service Plan is not in the best interests of the area to be served by the proposed District at this time.

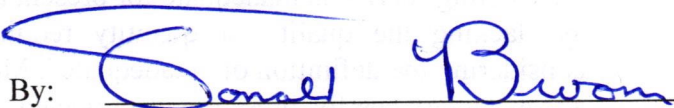
22. The Board does not take this lightly and wants to express appreciation for the hard work the Foundation has put into this. Hopefully, the Northwest Colorado Recreation Foundation will come back with a revised Service Plan that will meet the needs of Moffat County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Moffat County as follows:

Based upon the foregoing Findings, the Board of County Commissioners of Moffat County DISAPPROVES the Service Plan of the NORTHWEST COLORADO PARKS AND RECREATION DISTRICT and enacts this RESOLUTION 2021-74 DISAPPROVING SERVICE PLAN OF THE NORTHWEST COLORADO PARKS AND RECREATION DISTRICT.

Approved and adopted this 30th day of June, 2021.

MOFFAT COUNTY BOARD OF COUNTY COMMISSIONERS

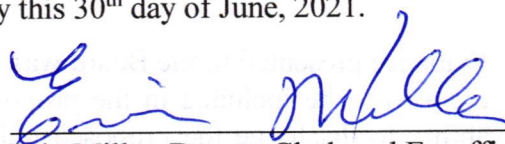
By: 
Donald Broom, Chair

State of Colorado)
) ss.
County of Moffat)

I, Erin Miller, Deputy County Clerk and Ex-officio to the Board of Commissioners, do hereby certify that the above and foregoing is a true and complete copy of the resolution as adopted by the Board of County Commissioners on the date stated.

Witness my hand and the seal of said County this 30th day of June, 2021.




Erin Miller, Deputy Clerk and Ex-officio to County Commissioners, Moffat County State of Colorado