

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

September 1, 2015

In attendance: John Kinkaid, Chairman; Chuck Grobe, Vice Chair; Frank Moe, Board Member; Lila Herod, Moffat County Clerk & Recorder; Neil Folks; Ken Wergin; John Lathrop; Patrick Kelly; Ray Beck; Jeff Comstock; Roy Tipton; Duane Hillberry; Mike Fuller

**Call to Order
Pledge/Opening Prayer
Consent Agenda**

Grobe made a motion to approve the consent agenda consisting of:

- a) Approved the minutes from August 25, 2015.
- b) Approved the Emergency Management Program Grant contract.
- c) Approved the amendment of Unit Agreement on the Wiley Unit Area for the Museum of Northwest Colorado.
- d) Approved the contract between Moffat County Social Services and Shauna Casement for mental health services.

Moe seconded the motion. Motion carried 3-0. See attached.

General Discussion

General discussion was held among the Board:

- ✓ Grobe reported on the State Traffic Accountability meeting. North Highway 13 was originally left out of the freight management plan, but it is now being reconsidered. I 70 toll lanes will begin operating in December, but only on Friday's and Sundays. Citizens can purchase a transponder at CDOT's website for \$15, which will reduce the toll fees on all toll lanes in the Denver area.
- ✓ Moe reported he and Commissioner Grobe attended the Dinosaur Hang Gliders competition. The competition runs through September 5th.
- ✓ Moe reported the Attorney General, Cynthia Coffman will join the lawsuit regarding clean power plants.
- ✓ Kinkaid and Mayor Beck gave an update on the Steamboat Institute Freedom Conference in Steamboat Springs. They were both able to meet with Presidential Candidate, Ben Carson and also Laura Ingram from Fox News.
- ✓ Beck also complimented the County and City on their United Way pace setter campaign. The picnic and entertainment was a lot of fun.
- ✓ Roy Tipton gave a brief update on the Shadow Mountain Village project.
- ✓ Ken Wergin discussed complaints with dead animal carcasses being left along the highways and he also discussed the importance of the City and County governments shopping local.

- ✓ There was a brief discussion regarding Office of Surface Mining upcoming hearing on stream protection buffer zone ruling.

Road & Bridge- Linda DeRose

DeRose reviewed the bids for the 2015 spray jetter. Bids were received from:

Faris Machinery	\$44,990.00
Williams Equipment	\$46,845.00
Technology International Inc	\$42,773.00
Hotjet USA	\$39,350.00

DeRose recommends the low bid be awarded as they all meet the bid specifications.

Grobe made a motion to award the bid for the 2015 Jetter to Hotjet USA in the amount of \$39,350.00. Moe seconded the motion. Motion carried 3-0. See attached.

There was discussion regarding the complaint on County Road 120. After Bill Mack inspected the road and finding no issues, he called the woman who complained. It was determined the road was in fact located in Craig, Oklahoma.

BOCC-Public Hearing for the Local Marketing District

John Ponikvar, Rebecca Tyree, Melody Villard, Doyle O’Neil, Audrey Danner, Chris Oxley, Jay Oxley, present.

The public hearing for the Local Marketing District was called to order.

Public comments were taken from Jay Oxley, Doyle O’Neil, Audrey Danner, Chris Oxley, Melody Villard, Ray Beck all expressing appreciation for the City, County and Town of Dinosaur working together to better our community and diversify the local economy.

Questions were answered and Tyree reviewed the updated resolution language.

The term of the District will be ten years and will terminate on December 31, 2025 unless at the regular election in November 2025 a majority of the registered electors shall approve the continuation of the District.

There was also a change made to Board appointments. The initial Board will consist of all members of each of the boards or councils for the City of Craig, Town of Dinosaur and Moffat County. The final makeup of the Board shall be determined and selected by the initial board.

The ballot issue will read:

“SHALL THE MOFFAT COUNTY LOCAL MARKETING DISTRICT BE ORGANIZED AND SHALL TAXES BE INCREASED BY \$275,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY WHATEVER ADDITIONAL AMOUNTS ARE COLLECTED ANNUALLY IN EACH SUBSEQUENT YEAR BY THE LEVYING OF A FOUR PERCENT (4%) MARKETING AND PROMOTION TAX ON THE PURCHASE PRICE PAID OR CHARGE TO PERSONS FOR ROOMS AND ACCOMODATIONS WITHIN THE DISTRICT AS INCLUDED IN THE DEFINITION OF “SALE” IN C.R.S. 39-26-102(11), COMMENCING JANUARY 1, 2016 AND CONTINUING FOR EACH YEAR THEREAFTER FOR TEN (10) YEARS UNTIL DECEMBER, 31, 2025, UNLESS EXTENDED BY AN ELECTION; AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETIAN AND SPEND ALL REVENUE RECEIVED IN 2016 AND EACH YEAR THEREAFTER WITHOUT REGARD TO ANY SPENDING, REVNUE-RAISING, OR OTHER LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAWS OF THE STATE OF COLORADO?

The public hearing was closed.

Moe made a motion to approve Resolution 2015-97 Organizing the Moffat County Local Marketing District and Setting an Election and Ballot Question for the November 3, 2015 Election. Grobe seconded the motion. Motion carried 3-0. See attached.

Bill Mack, Mindy Curtis and Diane Hayes present.

Moto-Cross Track Lease- Eric Lodwick

Mr. Lodwick introduced himself and presented his business plan to the Commissioners. He requested a lease agreement with the County for operating a moto-cross track and holding moto-cross races on county owned property near the landfill.

The lease will commence August 25, 2015 through December 31, 2015 and if there is no default shall be subject to renewal for a period of five additional years. The annual rent for 2015 is \$1.00 and a minimum of \$50.00 per year for each additional year, which will be negotiated each year.

Mr. Lathrop expressed concern that there is miscommunication within the community about re-establishing the moto-cross track, which will eliminate local stock car racing. He also questioned the insurance liability costs.

Lodwick does not plan to disturb the existing race track, but to develop the area below. Mr. Lodwick sees that this could be a multi-use venue and suggested that in the future it may be viable to have moto-cross races as well as a stock car races, but those details would have to be discussed.

Audrey Danner and Chris Oxley present.

Kinkaid suggested a \$1,000.00 damage deposit be added into the lease. Lodwick indicated it will cost him approximately \$10,000 in insurance, equipment and labor just to get started.

Grobe made a motion to approve the lease agreement with 30+2 MX Track- Eric Lodwick for operating a moto-cross track and races. Moe seconded the motion.

Kinkaid stated he still has concerns about the damage deposit and feels it should be included in the lease agreement to protect the County in the future.

Motion carried 2-1. Grobe-Yes. Moe- Yes. Kinkaid- No. See attached.

Finance Department-Mindy Curtis

Curtis reviewed the documents for refinance of the Public Safety Center certificates of participation.

This is not extending the terms of the loan, only saving in interest rates. The loan will be paid off in 2023. The County will save \$70,960.91.

Grobe made a motion to approve the refinancing documents for the Public Safety Center. Moe seconded the motion. Motion carried 3-0. See attached.

County Attorney- Rebecca Tyree SB 152 Broadband Ballot Question

Tyree reviewed the resolution to place a ballot question on the November 2015 ballot regarding whether Moffat County may re-establish its right to provide telecommunication services directly or indirectly with public or private sectors.

In 2005 The Colorado General Assembly adopted Senate Bill 152 which provides that before a local government may provide telecommunication services an election must be held on the question of whether local governments can provide the services. It restricts the county's right to improve local connectivity.

Tyree indicated this has the support of CCI and many other counties have passed similar resolutions.

Danner stated there are over thirteen local jurisdictions, including the City of Craig who will be placing this question on the ballot. It allows partnerships to build infrastructure as well as advanced services in our community. It especially compliments new business, and the lodging and real estate industries.

The County ballot question will impact all of unincorporated areas of Moffat County.

The ballot question shall read:

“Without increasing taxes, shall the citizens of Moffat County, Colorado re-establish their county’s rights to provide all services and facilities restricted since 2005 by Title 29, Article 27 of the Colorado Revised Statutes, describes as “advances services”, “telecommunications services” and “cable television services”, including any new and improved bandwidth services and broadband facilities bases on future technologies, utilizing the existing community owned infrastructure, either directly or indirectly with public or private sector partners, to potential subscribers that may include telecommunications service providers, residential or commercial users within the boundaries of Moffat County?”

Grobe made a motion to approve Resolution 2015-96 submitting to the registered electors of Moffat County at the November 3, 2015 General Election, a ballot question regarding whether Moffat County may re-establish its rights to provide telecommunications services, advanced services, and cable television services either directly or indirectly with public or private sector partners. Moe seconded the motion. Motion carried 3-0. See attached.

Meeting Adjourned

Submitted by: Lila Herod, County Clerk and Recorder

Approved by:

John H. Grobe

Frank Moe

Charles T. Grobe

Approved on:

September 8th, 2015

Attest by:

Lucy

