

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

**July 28, 2015**

**In attendance:** John Kinkaid, Chairman; Chuck Grobe, Vice Chair; Frank Moe, Board Member; Lila Herod, Moffat County Clerk & Recorder; Ken Wergin; Jeff Comstock; Ray Beck; Randy Looper, Johnny Garcia; Roy Tipton; Frank Sadvar; 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 July 21, 2015.
- b) Approved Resolutions 2015-84 and 2015-85 payment of payroll warrants for the payroll ending July 17, 2015 in the amounts of \$216,080.07 and \$477,161.26.
- c) Approved Resolution 2015-86 transfer of payment of warrants for the month of July 2015 in the amount of \$1,038,934.53.
- d) Approved the extension of permit on Limestone Pit No. 10.
- e) Approved the credit application with Active Truck Sales and Parts Inc.
- f) Approved the contract between Social Services and Denver Children's Home for Day Treatment Services.
- g) Approved the contract between Social Services and Denver Children's Home for Day Treatment Services.
- h) Approved the five county contract between Social Services and Roger Reynolds for mental health services.

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

Patrick Kelly present.

**General Discussion  
&  
Board Appointments**

Grobe made a motion to appoint Maria Nunez to the Moffat County Tourism Association Board. Moe seconded the motion. Motion carried 3-0. See attached.

Grobe made a motion to appoint Norma Levitt to the Area Council on Aging Board. Moe seconded the motion. Motion carried 3-0. See attached.

General discussion was held among the Board:

- ✓ Grobe reported Jeff Comstock was contacted by the Supplemental Environmental Project Selection Committee requesting the County's support for "The Standing Up for the Colorado Habitat Exchange and Enhancing the Greater Sage Grouse Habitat".

George Durham, Kellie Richmond, Melody Villard, Dave DeRose, and KC Hume present.

Grobe made a motion to send a letter of support to the State of Colorado Supplemental Environmental Project Selection Committee regarding the Colorado Habitat Exchange and Greater Sage Grouse Habitat. Moe seconded the motion. Motion carried 3-0. See attached.

- ✓ Grobe gave an update on the Transportation meeting. Plans to begin repairs on South Highway 13 Bridge and immediate work on the Highway. Expect delays on South Highway 13 just south of Meeker and Hwy 131.
- ✓ Kinkaid reported on the regional Workforce Center meeting. They will be sending a letter of support for ColoWyo Coal.
- ✓ Kinkaid reported a news segment will be aired on Fox 31 this week, and also announced Tri State is sponsoring a meeting at the High School on Thursday at 6 p.m. They will review the comments from the OSM.
- ✓ There was a brief update on Trapper Mine's litigation.
- ✓ Roy Tipton announced the water will be shut off from 9-5 in Shadow Mountain Village tomorrow.
- ✓ Frank Sadvar gave an update on the Elks Lodge. He reported they will be hosting a membership drive on August 22<sup>nd</sup>, and requested the fees be waived at the Fairgrounds picnic shelter. The BOCC agreed to waive the fees

Linda DeRose present.

#### **Road & Bridge- Linda DeRose**

DeRose reviewed the bids for the 2015 road striping project. Bids were received from:

Patriot Highways Markings	\$36,672.00
AFD Pavement Markings	\$41,570.73

Grobe made a motion to award the bid for the 2015 road striping project to Patriot Highways Markings in the amount \$36,672.00. Moe seconded the motion. Motion carried 3-0. See attached.

DeRose gave an update on the chip seal project.

#### **Clerk's Office- Tammy Raschke**

Raschke reviewed the special events liquor license application for the VFW. The VFW will be hosting a beer garden at Loudy Simpson Park during the Balloon Festival on August 1<sup>st</sup>.

Mr. Looper gave an update on the event. This is the 6<sup>th</sup> Annual Balloon Festival and 22 balloons are registered. There will also be a Car Show with many vendors. Looper indicated the event will be huge this year, as he expects 5,000 people.

Grobe made a motion to approve the special events liquor license for the VFW on August 1, 2015. Moe seconded the motion. Motion carried 3-0. See attached.

Garcia reported the VFW will be an official stop for the motorcycles coming through Craig on Friday on their way to Sturgis.

Neil Folks, Corrie Ponikvar, and Lynnette Siedschlaw present.

**Finance Department- Mindy Curtis**

Curtis reviewed a DOLA grant application requesting funds for a County Manager. Moffat County is seeking funds to support the creation of a full-time County Manager. This is a new position and there has never been a County Manager in Moffat County's history.

Grobe indicated this is not a decision the Commissioners are making at this time, but are interested in applying for the grant as this is a possible funding source. If the grant is awarded, further discussion will take place with the public and county employees.

This grant will provide funding for three years to help sustain the position:

Year one	Base salary \$130,000.00	DOLA \$ 139,936.00	Moffat County \$46,645.00
Year two	Base salary \$130,000.00	DOLA \$93,690.00	Moffat County \$93,691.00
Year three	Base salary \$130,000.00	DOLA \$46,845.00	Moffat County \$140,536.00

Curtis reviewed the proposed budget.

There was discussion that there are only four or five counties that don't have a County Manager. The goal is to provide consistency within county administration, as elected officials change every two to four years. A County Manager will bring expertise in management and resources.

Grobe indicated it is not a grant the County has to accept, but is a good opportunity to move forward to see if the funding is available and if the position is feasible.

Grobe made a motion to apply for the DOLA grant application seeking funds to hire a full-time County Manager. Moe seconded the motion. Motion carried 3-0. See attached.

**Local Marketing District- Dave DeRose**

DeRose gave an update on the Local Marketing District and the progress of the petition process. He expressed the importance of moving this to the ballot in order to create a funding source to help build the local economy.

The goal is to have the petitions submitted by August 7<sup>th</sup>. If the ballot question is successful, public meetings will then take place for organization and budget planning.

Lauren Blair present.

DeRose further discussed the importance of local economic development.

### **County Board of Equalization Hearings**

Rebecca Tyree; Chuck Cobb; John Zimmerman; Justin and Michael Mays present.

The Board reconvened at 1:00 p.m. as the County Board of Equalization.

**Craig Inn LLP R009107:** Property location is Pine Ridge #1 Commercial Lot 1 Block 5 AKA Candlewood Suites. Justin and Michael Mays (owners) estimate the property value at \$2,442,210.00. The Assessor's valuation is \$2,546,829.00.

Mr. Justin Mays reported Candlewood Suites is a long-term stay hotel. As a result, approximately 22% of the Property's annual gross revenue is from overnight accommodation that is rented for thirty days or longer. The property has been historically classified as 100% commercial. The owners are requesting the property be re-classified as mixed use with 22% of the value classified as residential and 78% as commercial.

Mr. Mays also presented documentation to support a classification of mixed-use property and referred to CRS 39-1-10 and prior case law. See attachments.

Mays reviewed cost versus income approach calculations and comparisons to explain his determination that the property valuation should be \$2,179,908.00. See attached.

John Zimmerman (County contract commercial appraiser) reviewed the classification issue. He stated residential rates would provide a distinct advantage over other competing businesses in the area. Zimmerman requested the petitioner provided their annual records of long term clients in order to determine if they qualify for the 22% residential classification.

The protest was submitted June 15, 2015, which was the last day. The petitioner claims the Assessor should've been aware this is residential property all along. Zimmerman stated it is the petitioner's responsibility to submit evidence of a classification change and notify the Assessor. At this late time, there hasn't been time to review all of the documentation.

Zimmerman recommends the BOCC deny this protest because determination of classification must be made before the valuation can be determined. The Assessor will need time to review all of these records, and seek further opinion from the County Attorney. The petitioner will still have the option to appeal, but they will try to reach a stipulation agreement before it would go to the State Board of Assessment Appeals.

The petitioner originally submitted a valuation of approximately \$ 2.4 million. Zimmerman indicated he was prepared to settle at this valuation based on methodology, but now the owners have declared a new valuation of approximately \$2.1 million.

The County Assessor, Chuck Cobb agreed with Mr. Zimmerman. He stated it is his duty to be fair to all of the taxpayers in Moffat County and we should not be rash in making this decision before there is time to review all of this information. He is also confident a decision can be made before the appeal to the State.

Rebecca Tyree reviewed past court cases on reclassification being based on substantial evidence and she agreed the Assessor should be given time to conduct a full examination of these records.

Mr. Mays countered that the Assessor just requested all of this additional information at 5:00 on Friday and requested it be submitted today. He feels Mr. Zimmerman is biased on this re-classification because he does not agree with the State law.

Mays reviewed the email communication from the Assessor's office and their offer to agree on the classification change, but leave the value the same. He stated the Assessor is the professional and it is his obligation to identify the properties that qualify for mixed use classification. He feels the Assessor is trying to "bully" the taxpayer.

Zimmerman indicated the Assessor does not have time to validate the annual returns in the time period for a continuance of this hearing.

Mr. Michael Mays indicated he would rather settle this issue than go to the State Board of Appeals.

Cobb stated he is confident his office can come to a conclusion, but not within a week.

Grobe made a motion to deny the change of classification for Craig Inn LLP R009107. Moe seconded the motion. Motion carried 3-0. See attached.

Grobe made a motion to deny the adjustment in the valuation for tax year 2015 for Craig Inn LLP R009107. Moe seconded the motion. Motion carried 3-0.

Mr. Cobb and Mr. Zimmerman both pledged to contact the Mays in the near future to review this issue.

**Cactus Ranch Investments LLC R007804:** Michael Harding of Cactus Ranch Investments-property location Craig View Lot 18-21 Block 20. The petitioner has agreed to a stipulation of valuation. The current valuation is \$6,840.00. The stipulated valuation is \$5,440.00. This agreement is for the 2015 & 2016 tax years.

Grobe made a motion to approve the stipulation of valuation for Cactus Ranch Investments LLC R007804 in the amount of \$5,440.00. Moe seconded the motion. Motion carried 3-0. See attached.

**Clayton R006270:** Robert I Clayton- property location Frontier City Lots 10-14 Block 2. Petitioner has agreed to a stipulation of valuation. The current valuation is \$140,519.00. The stipulated valuation is \$120,886.00. This agreement is for the 2015 & 2016 tax years.

Grobe made a motion to approve the stipulation of valuation for Robert I Clayton R006270 in the amount of \$120,886.00. Moe seconded the motion. Motion carried 3-0. See attached.

**Meeting Adjourned**

Submitted by: Lila Herod, County Clerk and Recorder

Approved by:

*John Hindes*  
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*Charles J. Grobe*  
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*Frank A. Moe*  
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Approved on:

*Aug 4, 2015*  
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Attest by:

*Lila Herod*  
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