

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

December 8, 2015

In attendance: John Kinkaid, Chairman; Chuck Grobe, Vice Chair; Frank Moe, Board Member; Lila Herod, Moffat County Clerk & Recorder; Ken Wergin; Neil Folks; Brent Curtice; Andrew Keiss; Jeff Comstock; Rebecca Tyree; Roy Tipton

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

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

- a) Approved the minutes from December 1, 2015.
- b) Approved the State Highway Maintenance Agreement.
- c) Approved Resolution 2015-129 payback of advance from General Fund to Sunset Meadows II fund.
- d) Approved Resolution 2015-130 payback of advance from General Fund to Shadow Mountain Local Improvement District Fund.
- e) Approved Resolution 2015-131 voided warrants resolution for the month of December 2015 in the amount of \$625.00.
- f) Approved the Museum of Northwest Colorado storage building lease contract.

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

Patrick Kelly present.

General Discussion

General discussion was held among the Board:

- There was brief discussion regarding the Craig Daily Press editorial regarding government transparency and leadership.
- Kinkaid reported he and Mayor Beck attended the EPA meeting in Denver last week.
- Moe discussed the community forum meeting with Social Services and future planning for children and family issues.
- Grobe indicated there is an opening on the Yampa White River Basin Roundtable. Tom Gray has expressed interest in staying on this Board. The Commissioners were in agreement that Gray should stay on this Board. Moe requested a quarterly report be given to the Commissioners.
- Grobe announced the Town of Dinosaur has decided not to host further Hand Gliders competitions until insurance matters are resolved.
- Grobe gave an update on CCI Conference. Issues that were discussed included- Preserving Historic Colorado, cyber security threats, shooting range regulations, Colorado Water Plan, and broadband planning.
- Ken Wergin discussed the issue with animal carcasses being left along the highways.

Sheriff Hume, Troy and Colleen Zufelt, Lou Dean Jacobs, Marvin Dorris, Dan Moreau; Roberta Brooks present.

- Neil Folks gave an update on the Fuller House project.
- Kinkaid discussed an article in the paper regarding the Upper Yampa River water designation/ classifications.
- Brent Curtice gave an update from the School District. He also complimented the Commissioners for their leadership and supporting the community.

Planning & Zoning- Jerry Hoberg

Hoberg reviewed an extension on a conditional use permit for Connell Resources. This is a five year extension on the gravel pit located on Highway 394. The original permit was issued in 2008. Over 30 acres has been mined and reclaimed. The remaining mining and processing will be less than 20 acres. State permits have been secured.

The Planning Commission has recommended approval of this extension.

Grobe made a motion to approve C-15-07 five year extension of conditional use permit for Connell Resources Inc. Moe seconded the motion. Motion carried 3-0. See attached.

Hoberg reviewed the conditional use permit for Troy Zufelt. Mr. Zufelt began building a paint ball range on his property west of Highway 40 in Blue Mountain, not knowing he needed a conditional permit. He has since applied for a conditional use permit on Ag property and reviewed this with the Planning Commission. Zufelt has also obtained his state permits, insurance, and has all safety equipment, etc.

The Planning Commission has approved this permit with the following stipulations:

- Business hours are sunrise to sunset
- Special events can run until midnight and a maximum of six special events per year.
- Law enforcement events can run until midnight.
- Portable toilets on site or use of Zufelts residence.
- Trash containers on site and trash needs to be picked up.
- No shooting to the outside of the enclosure and if participants do it on purposed they will be asked to leave.
- The netting above the metal fence needs to be completed.
- No spotlighting facing neighbors
- No alcohol (see safety rules)

Mr. Zufelt discussed the noise complaints and safety issues. He indicated this business will be good for the community and offer entertainment to kids and adults, as well as provide training opportunities.

Zufelt reviewed the map area of the range and indicated six foot netting will be installed around the entire range. Lighting issues were also discussed. Any complaints would be investigated and come under review of the Board and Planning Department.

Mr. Dorris presented cease and desist orders against Mr. Zufelt. The law firm of Jester, Gibson and Moore LLP has been hired to represent Mr. Messrs, Dorris and Moreau. The Cease and Desist order prohibits any type of contact or trespassing on their client's property. See attached notice.

Letters opposing the conditional use permit were received from John Colclazar, Robert Brooks, Jeffrey Devere, and Lou Dean Jacobs citing concerns with the proposed business. Complaints include a commercial business being in the residential area of Gadd Subdivision, noise and lack of facilities. See attached.

Lou Dean Jacobs expressed concern that there is no ambulance service from Rangely, as it comes from Vernal. She is also concerned with the hours of operation, noise, and lighting. She indicated Mr. Zufelt has caused many problems in the community. He has been very disruptive with his shooting range. Residents of Blue Mountain have come before the Commissioners in the past to complain about his shooting tannerite. Jacobs stated he has no consideration for his neighbors or their property.

Mr. Dorris complained that the paint ball range is very close to his property. Paint balls have landed on his property and vehicles.

Mr. Moreau presented pictures of their property and stated they are the closest residence to the range. He also challenged that Mr. Zufelt purposely builds these structures without permits and knowingly annoys the neighbors. Commercial business takes away from peace and quiet of a residential neighborhood and could decrease their property values.

There was discussion regarding zoning issues and variances in the Gadd Subdivision.

Moreau also reviewed the Colorado Noise Statute. He stated Mr. Zufelts noise testing was not conducted by a certified expert and is not in accordance with statute. He is also concerned that there is not public access to the commercial property and that this should be researched. Further concerns were addressed regarding facilities, etc.

Mr. Moreau requested the Board deny this permit, and he indicated an injunction will be requested until the three class action lawsuits have been settled. He also invited the Commissioners to inspect the operation and see the disruption first hand.

Mr. Dorris indicated the Zufelts have built other structures on their property without obtaining building permits.

Commissioner Moe expressed support of business and economic development, but is concerned with the noise statutes that were addressed. He requested the issue be tabled for an additional week or two.

Kinkaid asked all parties if it was acceptable for the Commissioners to visit the site. Everyone was in agreement of this request. Kinkaid will schedule the visit after the first of the year and the Board will then reschedule the conditional use permit hearing.

Memorial Hospital- Jennifer Riley & John Rossfeld

Riley gave an update from the Memorial Hospital.

- Update on staff and new hires, including a new OBGYN, orthopedic surgeon, and physician assistants.
- Physical Therapy is moving to the office on Yampa Avenue, and will be open in April.
- Financial and patient services update.
- 2016 adjustment/ reduction in MRI, CT, and Colonoscopy test fees.
- TMH working with County Health Board to provide telehealth services and discount on out of pocket services, hospital and preventative health services.

Rossfeld reported federal government is focusing on population health. TMH and other regional hospitals have applied for funding to help implement this plan. The focus will be on care management and reimbursements from Medicaid and Medicare.

Rossfeld also reported he is leaving TMH and will be taking a job in California. He expressed the importance of economic development planning and that positive efforts are being made. He also emphasized that no one in this community should have reservations to use this hospital. He reported patient care surveys have shown great improvements, and stressed that TMH provides very high quality health care.

Road & Bridge – Bill Mack & Linda DeRose

Mack gave the monthly report from the Road Department.

Completed projects:

- ✓ Grading roads
- ✓ Culvert replacement
- ✓ Gravel county roads
- ✓ Shoulder county road
- ✓ Replace signs on County Road 51
- ✓ Bridge repair

Projects in progress:

- ✓ Plowing snow
- ✓ Gravel county roads
- ✓ Strip top soil and overburden at Refuge Pit

- ✓ Crushing at Sunbeam Pit

Pending projects:

- ✓ Gravel County Road 21
- ✓ Crushing at Refuge Pit

General and Landfill:

- ✓ MSHA training
- ✓ Clean Loudy Simpson ditches for irrigation
- ✓ Clean drainage at Fairgrounds, prepare site for new shop
- ✓ Tire removal
- ✓ Planning for Cells 7, 8, 9 construction
- ✓ Close Landfill early on Christmas Eve.

Meeting Adjourned

Submitted by: Lila Herod, County Clerk and Recorder

Approved by:

John A. Kindred

Lila Herod

Charles A. Fisher

Approved on:

Dec-15, 2015

Attest by:

Lila Herod

