Chair Diane Mitsch Bush called the regular meeting of the Routt County Board of County Commissioners to order. Commissioners Douglas B. Monger and Nancy J. Stahoviak; Dan Strnad, and Tom Heilner, Accounting; Dave Ruppel, Yampa Valley Regional Airport, and John Merrill, County Attorney, were present and recited the Pledge of Allegiance. County Manager Tom Sullivan was present via conference call. Diana Bolton recorded the meeting and prepared the minutes.

EN RE: REVIEW OF MINUTES
MOTION
Commissioner Stahoviak moved to approve and authorize the Chair to sign the minutes of the special meeting of the Routt County Board of County Commissioners of July 23, 2008; the minutes of the Board of Equalization of July 28, 2008, and the minutes of the regular meeting of the Routt County Board of County Commissioners of July 29, 2008.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: REVIEW OF WARRANTS
MOTION
Commissioner Monger moved to approve and authorize the Commissioners to sign the Accounts Payable Checks, Manuals, August 11 through August 15, 2008; the Accounts Payable Wires for August 15, 2008, and the Payroll Checks, Manuals for August 13, 2008, for a total of $504,539.56, and noted that special tax distributions were made to various entities including the museum entities, Horizons, and Northwest Colorado Visiting Nurse Association, the latter disbursement in the amount of $292,819, for The Haven project.

Commissioner Stahoviak seconded; the motion carried 3-0.

EN RE: ITEMS OF NOTE FROM THE PREVIOUS DAY’S WORK SESSIONS
Commissioner Mitsch Bush stated that there were no items of note from the previous day’s work sessions.

EN RE: CORRECTED ASSESSMENTS AND ABATEMENTS
No corrected assessments or abatements were presented this day.

EN RE: PUBLIC COMMENT
No members of the public were present.

EN RE: WEED COORDINATOR / KEN SHACKELTON

Arta Wray, Road and Bridge, was also present.

STATE OF COLORADO WEED CONTROL CONTRACT

Mr. Shackelton reviewed the terms of a weed control contract with the State.

MOTION

Commissioner Stahoviak moved to approve and authorize the Chair to sign the State of Colorado Personal Services Contract for two weed control projects on State and private lands in the not-to-exceed amount of $6,000.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: ASSESSOR: ABATEMENT HEARINGS / MIKE KERRIGAN

Gary Peterson, Will Wiggins, Susan Chorak, Angela Finnegan, Tina Segler, Caitlyn McKenzie, and Davana Robson, Appraisers, were also present. County Manager Sullivan was absent for all of the following abatement hearings.

SCHEDULE NUMBER M0019548, GERALDINE AND TRAVIS BRUGGINK

Mr. Peterson said that the petition was for an abatement for tax years 2006 and 2007. The petitioner claimed that the mobile home was dilapidated beyond repair and should have a lower or a zero value. Mr. Peterson stated that the trailer roof could be repaired and was being used by the property owner for storage. Therefore, it had value as to its use. He recommended denial of the petition.

MOTION

Commissioner Monger moved to deny the petition for abatement or refund of taxes for Schedule Number M0019548, Geraldine and Travis Bruggink, with the finding that the Assessor had established by a preponderance of the evidence presented this day that the value as originally established by the Assessor of $1,110 for tax year 2006 and $930 for 2007 were the correct values, for taxes due of $5.44 and $3.80 respectively.

Commissioner Stahoviak seconded; the motion carried 3-0.

SCHEDULE NUMBER R0192540, TRAVIS AND GERALDINE BRUGGINK

Ms. Segler said that the petitioner had submitted receipts for pasture rental for the years 2004, 2005, and 2006. The lessee had sold the horses bred and grazed on the...
property. The previous agricultural appraiser had noted in 2005 that only a small portion of the property was being grazed; Ms. Segler confirmed that observation in 2008 and added that the remainder of the parcel was fenced and used for a homesite and driveway. Thus, grazing was incidental, and the primary use was residential. Based on the State statute definition of ‘ranch’ and the primary intended use of the property not being to obtain a profit, Ms. Segler recommended denial of the petition to reclassify the property as Agriculture rather than Residential/Vacant.

Commissioner Stahoviak stated that the horses were fenced from the remainder of the property, which was never rotated and used some years as pasture. Thus, the entire property’s primary purpose was not for agricultural uses.

MOTION

Commissioner Stahoviak moved to deny the petition for abatement or refund of taxes for Schedule Number R0192540, Travis and Geraldine Bruggink, with the finding that the Assessor had established by a preponderance of the evidence presented this day that the change in classification from Agriculture to Residential for tax years 2006 and 2007 was the correct classification.

Commissioner Monger seconded; the motion carried 3-0.

SCHEDULE NUMBER R3254935, DILLARD FARMS, INC.

David Dillard, petitioner, was also present for the following agenda item.

Ms. McKenzie said that Unit 102, Scandinavian Lodge Studio Chalet Condominiums, was classified as Lodging for tax year 2007 and, based on State statute definitions, should have been classified as Residential. She recommended approval of the petition for abatement.

MOTION

Commissioner Monger moved to approve the petition for abatement or refund of taxes for Schedule Number R3254935, Dillard Farms, Inc., with the finding that the Assessor had established by a preponderance of the evidence presented this day that the change in classification from Lodging to Residential was the correct classification, which resulted in a change in taxes due from $3,511.84 to $963.90, for tax year 2007.

Commissioner Stahoviak seconded; the motion carried 3-0.

SCHEDULE NUMBERS R3254327, MICHELLE AVERY; R3254936, MARK AND GINA WALKER, AND R3254382, MARK SHILLINGBURG

Ms. McKenzie said that R3254327, Unit 105; R3254936, Unit 204, and R3254382, Unit 104, Scandinavian Lodge Studio Chalet Condominiums, were all classified as Lodging for tax year 2007 and, based on State statute definitions, should have been classified as
Residential. She recommended approval of the petitions for abatement.

**MOTION**

Commissioner Stahoviak moved to approve the petitions for abatement or refund of taxes for Schedule Numbers R3254327, Michelle Avery; R3254936, Mark and Gina Walker, and R3254382, Mark Shillingburg, with the finding that the Assessor had established by a preponderance of the evidence presented this day that the change in classification from Commercial to Residential was the correct classification for each of the condominium units, which resulted in a change in taxes due for tax year 2007 for each of the accounts as follows:

- R3254327, Michelle Avery: from $1,914.93 to $525.64, for an abatement of $1,389.29;
- R3254936, Mark and Gina Walker: from $1,872.79 to $514.11, for an abatement of $1,358.69, and
- R3254382, Mark Shillingburg: from $1,872.79 to $514.11, for an abatement of $1,358.69.

Commissioner Monger seconded; the motion carried 3-0.

**SCHEDULE NUMBER R8339741, RICHARD AND CAROL VILLA**

Richard and Carol Villa, petitioners, were also present for the following agenda item.

Mr. Wiggins said that the petitioner had requested an abatement on a vacant lot that was unbuildable due to its small size. Mr. Wiggins said that the property was classified Residential. He said that the petitioners' residence was on the adjacent lot, but no evidence that the subject lot was used in conjunction with the residence lot was apparent. He stated that the highest and best use of the subject lot was as a single-family residence, and the lot was large enough to accommodate construction of at minimum a 1,500-square-foot two-story home. Thus, he recommended denial of the petition.

Commissioner Monger said that if the residence lot and the subject lot were merged and the two properties replatted into one lot, the classification could be changed.

**MOTION**

Commissioner Monger moved to deny the petition for abatement or refund of taxes for Schedule Number R8339741, Richard and Carol Villa, with the finding that the Assessor had established by a preponderance of the evidence presented this day that the classification and valuation of $40,000 of the property for tax year 2007 was the correct classification and valuation.

Commissioner Stahoviak seconded; the motion carried 3-0.

**SCHEDULE NUMBER R8338330, SHADY CURRY HOLDINGS, LLC**

Scott Wedel, petitioner, was also present for the following agenda item.
Mr. Wiggins said that the subject property had been overvalued, and he had reduced the mixed-use valuation for 2008 due to the limited income of the Commercial portion of the property and the overvaluation of the Residential portion of the property. Based on comparable sales activity, he recommended a similar adjustment for tax year 2007.

**MOTION**

Commissioner Stahoviak moved to approve the petition for abatement or refund of taxes for Schedule Number R8338330, Shady Curry Holdings, LLC, with the finding that the Assessor had established by a preponderance of the evidence presented this day that the total valuation of the property, as adjusted for tax year 2007, was the correct valuation and resulted in an abatement of $2,034.78.

Commissioner Monger seconded; the motion carried 3-0.

**SCHEDULE NUMBER R8163911, DENNIS WATSON AND LAUREL WEST**

Ms. Chorak said that the property was a deed-restricted Habitat for Humanity home that could not be valued for more than its purchase price because the owners could not sell the home for profit. She recommended approval of the petition.

**MOTION**

Commissioner Monger moved to approve the petition for abatement or refund of taxes for Schedule Number 8163911, Dennis Watson and Laurel West, with the finding that the Assessor had established by a preponderance of the evidence presented this day that the valuation as adjusted for tax year 2007 was the correct valuation and resulted in an abatement of $1,019.35.

Commissioner Stahoviak seconded; the motion carried 3-0.

**SCHEDULE NUMBERS R8168457, CHERYL ANN AND JEFFREY ZAVICK AND R8168456, PETER BALDWIN**

Ms. Chorak said that due to a clerical error, the above accounts were valued at $1,000,000 and should have been $500,000. She recommended approval of the petitions.

**MOTION**

Commissioner Stahoviak moved to approve the petitions for abatement or refund of taxes for Schedule Numbers R8168457, Jeffrey and Cheryl Ann Zavick, and R8168456, Peter Baldwin, with the finding that the Assessor had established by a preponderance of the evidence presented this day that the land valuation as adjusted to $500,000 per parcel for tax year 2007 was the correct valuation, which resulted in a refund for the former account of $6,431.91 and of $1,765.45, for the latter schedule number.
Commissioner Monger seconded; the motion carried 3-0.

**SCHEDULE NUMBER R8167957, TENNIS CENTER AT STEAMBOAT, INC.**

Ms. Finnigan said that the petitioner had recently provided correct lease fees paid in 2006 to the City of Steamboat Springs for concessionaire space so she recommended approval of the petition.

**MOTION**

Commissioner Monger moved to approve the petition for abatement or refund of taxes for Schedule Number R8167957, Tennis Center at Steamboat, Inc., with the finding that the Assessor had established by a preponderance of the evidence presented this day that the valuation of the property as adjusted for tax year 2007 was the correct valuation, which resulted in an abatement of $1,183.47.

Commissioner Stahoviak seconded; the motion carried 3-0.

**SCHEDULE NUMBER R6166088, JODY MANGUS**

Ms. Segler said that a grazing lease with the Badger Meadows Homeowners’ Association specified certain lots on which grazing was to occur. The lessee confirmed that the subject lot was grazed in 2005, 2006, and 2007. She recommended approval of the petition.

**MOTION**

Commissioner Stahoviak moved to approve the petition for abatement or refund of taxes for Schedule Number R6166088, Jody Mangus, with the finding that the change in classification from Vacant to Agriculture of the property for tax years 2006 and 2007 was the correct classification, which resulted in 2006 of an abatement of $861.52 and in 2007 of an abatement of $770.09.

Commissioner Monger seconded; the motion carried 3-0.

**SCHEDULE NUMBER R0163950, LODE MINING CLAIMS PRINCE, GOLDSMITH.**

Ms. Segler said that the petitioner had requested a reduction on valuation to $63,000, based on the topography of the property. Other parcels near the mining claim had a value reduction of 50% due to steepness and access difficulty. She recommended a reduction in valuation of 50%, or $73,500. She noted that the property was classified as Vacant.

**MOTION**

Commissioner Monger moved to deny the petition for a valuation of $63,000 for
Commissioner Stahoviak seconded; the motion carried 3-0.

**EN RE: CLERK AND RECORDER / KAY WEINLAND**

Commissioner Monger was absent for the following agenda item.

**LIQUOR LICENSE RENEWAL**

Ms. Weinland reviewed a liquor license renewal.

**MOTION**

Commissioner Stahoviak moved to approve and authorize the Chair to sign the Renewal of Hotel and Restaurant Liquor License with Optional Premises—Malt, Vinous, and Spirituous Liquors, for The Home Ranch Company, dba The Home Ranch, and noted that no investigative reports had yet been received from the Sheriff, Building, and the fire district, and if the license were received from the State prior to receipt of the reports, the license would be issued.

Commissioner Mitsch Bush seconded; the motion carried 2-0. Commissioner Monger was absent.

**LIQUOR LICENSE RENEWAL**

Ms. Weinland reviewed a liquor license renewal.

**MOTION**

Commissioner Stahoviak moved to approve and authorize the Chair to sign the Renewal of a Tavern Liquor License—Malt, Vinous, and Spirituous Liquors, for Hahn’s Peak Cafe, and noted that no investigative reports had yet been received from Building and the fire district, and if the license were received from the State prior to receipt of the reports, the license would be issued.

Commissioner Mitsch Bush seconded; the motion carried 2-0. Commissioner Monger was absent.

**TEMPORARY PERMIT FOR WESTERN PETROLEUM**

Alan Ballard, Western Petroleum, Petro West, was also present. Commissioner Monger re-joined the day’s proceedings at this time.

Ms. Weinland said that the retail liquor store of the Clark Store was being purchased by Western Petroleum, Inc. from Weston Convenience Stores. The application was for a 120

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-day temporary permit to retail liquor. The transfer of ownership documents had been received and were in order; the transfer of ownership would occur September 9, 2008; the temporary license would allow the sale of liquor during the interim.

MOTION

Commissioner Monger moved to approve and authorize the Chair to sign the Temporary Liquor Permit for Western Petroleum, Inc., dba Clark Store—Retail Liquor Store—Malt, Vinous, and Spirituous Liquors.

Commissioner Stahoviak seconded; the motion carried 3-0.

EN RE: YAMPA VALLEY REGIONAL AIRPORT / DAVE RUPPEL

Richard Longlott, Steamboat Jets, Inc.; Larry de Andrade, Spectrum Jet Center; Don Kaplan, Galaxy Aviation; Tom Heilner, Accounting; Brandon Gee, Steamboat Today, and John Merrill, County Attorney, were also present. County Manager Tom Sullivan was present via conference call.

FBO OPERATION AND LEASE AGREEMENT

Mr. Ruppel said that negotiations were ongoing in regard to the FBO Operation and Lease Agreement between Routt County and Galaxy Aviation. He stated that no changes would be made to the agreement except those pertaining to rates. He suggested that, since the Board had established the rates that were satisfactory to the Commissioners, if the rates were acceptable to Galaxy Aviation, the contract could be approved this day and signed later this week.

MOTION

Commissioner Stahoviak moved to approve and authorize the Chair to sign the FBO Operation and Lease Agreement between Routt County and Galaxy Aviation of Steamboat-Hayden, LLC, contingent on Galaxy’s acceptance of the County’s counter-proposal pertaining to rates and fees and the deletion of Section 24(b) from the Agreement and the approval of the County Attorney.

Commissioner Monger seconded.

Under discussion, Mr. Merrill noted that the version of the referenced agreement was dated August 18, 2008. Commissioner Monger noted that the fees were as follows:

- Unimproved Ground Rental Rate--$0.15 per square foot (psf) per year
- Improved Ground Rental Rate------$0.26 psf (Ramp Rent in lieu of Ramp Tie Down Fees)
- Building Rental Rate-------------------$1.50 psf
- Fuel Flowage Fee-------------------The greater of 2% of the retail charge per gallon or $0.08 per gallon
- Percent of Gross Revenue--------5% excluding fuel sales, landing fees, and in-to-
plane fees payable by others)
Ramp Tie Down Fees------------------None (See Improved Ground Rent above)
Landing Fees------------------- 75% of gross revenue (charged per 1,000 lbs. above 10,000 lbs.). Rate is currently $4.74 per 1,000 lbs. and is set at 125% of the signatory rate charged to the airlines.

The motion carried 3-0.

**EN RE: PUBLIC COMMENT**

No members of the public were present.

**EN RE: COMMUNITY LEADERS LUNCHEON MEETING COLORADO WEST REGIONAL MENTAL HEALTH**

The County Commissioners attended a luncheon meeting with Sharon Raggio, newly selected CEO for Colorado West Regional Mental Health, to discuss the services offered by Colorado West. No minutes or formal actions were taken during the luncheon.

**EN RE: LEGAL / JOHN MERRILL**

**DOCKET AND PENDING MATTERS LIST**

Joanne Eldridge, Assistant County Attorney, and Sue Zulevich, Legal Assistant, were also present. County Manager Sullivan was present via conference call.

Mr. Merrill requested that the Board enter executive session.

**MOTION**

At 1:35 p.m., Commissioner Stahoviak moved to enter executive session pursuant to C. R. S. Section 24-6-402 (4)(b), to conference with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Included in the executive session would be the Assistant County Attorney, the Legal Assistant, and the County Manager.

Commissioner Monger seconded; the motion carried 3-0.

The executive session adjourned at 2:53 p.m. No minutes or formal actions were taken during the executive session, and Commissioner Mitsch Bush stated that nothing was discussed except the items specified.

**EN RE: ROAD AND BRIDGE / PAUL DRAPER**

Tammie Crawford, Road and Bridge, was also present. County Manager Sullivan was
present via conference call. Commissioner Stahoviak was absent for the following agenda item.

**CMAQ CONTRACT AMENDMENT**

Ms. Crawford said that when the CMAQ contract was signed, project costs were estimated; the State was requesting actual costs. To correct those calculations, an amendment to the contract for 2008 CMAQ projects was necessary.

**MOTION**

Commissioner Monger moved to approve and authorize the Chair to sign Contract Amendment #2 to the CMAQ contract.

Commissioner Mitsch Bush seconded.

Under discussion, Commissioner Mitsch Bush noted that Exhibit C-2 Funding Provisions itemized the estimated total cost of the work to be completed.

The motion carried 2-0. Commissioner Stahoviak was absent.

**EN RE: ROAD AND BRIDGE / PAUL DRAPER**

**BUDGET WORK SESSION**

Tammie Crawford, Road and Bridge; Carol Comeau and Dan Strnad, Accounting, were also present. County Manager Sullivan was present via conference call. Commissioner Stahoviak re-joined the day’s proceedings at this time.

Those present conducted a work session for the Road and Bridge Department’s 2009 budget. No minutes or formal actions were taken during the work session.

No further business coming before the Board, same adjourned sine die.

Kay Weinland, Clerk and Recorder

Diane Mitsch Bush, Chair

Date