

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting January 26, 2016

The Board of Morgan County Commissioners met on Tuesday, January 26, 2016 at 9:15 a.m. with Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Chair Laura Teague called the meeting to order.

### CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Minutes dated January 8, 2016
- Ratify the Board of County Commissioners approval of Minutes dated January 12, 2016
- Ratify the Board of County Commissioners approval of Minutes dated January 19, 2016
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 011, Trinity Services Group, Inc. Morgan County Sheriff Department, Term of Contact January 1, 2016 through December 31, 2016
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 012, Winstead Construction, Repairs Justice Center Term of Contract December 17, 2015 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 013, Quad County Plumbing and Heating, Inc., Repairs Pawnee Tower, December 6, 2015 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 015, Jax Suspension and Axle, Fleet Department, Term of Contract January 14, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 017, Town of Wiggins, License and Exchange Agreement for Geographic Data, Term of Contract January 1, 2016 to December 31, 2016
- Ratify Chair Laura Teague's signature on Stormwater Annual Report Form for the reporting period of 2015, dated January 19, 2016
- Ratify Chair Brian McCracken's signature on Morgan County Treasurer and Public Trustee Report for time period January 2015 through December 2015 dated January 11, 2016
- Ratify the Board of County Commissioners appointment of Bob Elrick, Joe Ewertz and Robert Pennington for the Planning Commission for a 3 year term
- Ratify the Board of County Commissioners approval of waiver of Event Center fees for Freedom to Cowboy Up.
- Ratify the Board of County Commissioners Ratify the Board of County Commissioners approval of assignment of debt collections to State Collections #151595, #151581, #151344, #151427, #151431, #151336, #151697, #151573, #151617, #151346, #151494, #151118, #151663, #151008, #151412, #151350, #151477, #151486, #151571, #151627, #151407 and #151101
- Ratify Chair Laura Teague's signature on Colorado Parks and Wildlife Impact Assistance Grant Application dated January 21, 2016
- Ratify Chair Laura Teague's signature on Contract dated January 22, 2016 to Purchase 617 Hospital Road, Brush, Colorado

Commissioner Zwetzig made a motion to approve all items on the Consent Agenda as presented. Commissioner McCracken seconded the motion and motion carried 3-0.

Commissioner Zwetzig commented on the importance of those who serve on various boards for the County thanking those who continue to agree to serve again on these boards specifically thanking Joe Ewertz, Bob Pennington and Bob Elrick.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **CONSIDERATION OF APPROVAL – RESOLUTION - 2016 BCC 5 - A Resolution Regarding the Number of Election Precincts in Morgan County**

#### **MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS**

#### **RESOLUTION NO. 2016 BCC 06**

#### **A RESOLUTION REGARDING THE NUMBER OF ELECTION PRECINCTS IN MORGAN COUNTY**

**WHEREAS**, pursuant to C.R.S. § 1-5-101(3), the County Clerk and Recorder is charged with establishing precincts for elections at a ratio of one precinct per 1,500 active eligible voters, unless the Board of County Commissioners approves the establishment of one precinct per every 2,000 active eligible voters;

**WHEREAS**, the County Clerk and Recorder has requested that Board of County Commissioners approve the establishment of one precinct per every 2,000 active eligible electors as permitted by C.R.S. § 1-5-101(3); and

**WHEREAS**, the Board of County Commissioners desires to approve the establishment of one precinct for every 2,000 active eligible electors.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

Section 1. The Board of County Commissioners hereby approves the Clerk and Recorder's request to establish election precincts at a ratio of one precinct per every 2,000 active eligible electors.

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APPROVED this 26th day of January, 2016.

**THE BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO**

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s/ Laura D. Teague  
Laura D. Teague, Chairman

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s/Brian K. McCracken  
Brian K. McCracken, Commissioner

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s/ James P. Zwetzig  
James P. Zwetzig, Commissioner

(SEAL)

**ATTEST:**

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s/ Susan L. Bailey  
Susan L. Bailey

Morgan County Clerk and Recorder Susan Bailey presented to the Board for approval, Resolution 2016 BCC 6, a Resolution Regarding the Number of Election Precincts in Morgan County by outlining the reasons why the resolution was necessary. She explained that Precinct 1 in Morgan County currently has a total of 1,336 active voters and given the increase in voter registrations the last couple of months; she asked for the Board's approval as per statute requirements to increase the precinct size to not exceed 2,000 active voters and indicated the County Attorney prepared the resolution at her request. Commissioner Zwetzig suggested that the precinct boundaries be reviewed prior to the next general election and the possibility of redistricting the boundaries given the size of Precinct 1 at this time.

Commissioner McCracken made a motion to approve Resolution 2016 BCC 6, a Resolution Regarding the Number of Election Precincts in Morgan County, as outlined by Morgan County Clerk and Recorder Susan Bailey. Commissioner Zwetzig seconded the motion and motion carried 3-0.

**CONSIDERATION OF APPROVAL – 2016 PMT 03 – NE Colorado Cellular, Inc. dba Viero Wireless**

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2016 PMT 03, with NE Colorado Cellular, Inc. dba Viero Wireless. Mr. Goodman stated they will be starting this project on County Road Q, turning down County Road 18.5, to County Road M, go east on County Road M, to County Road 20, then south to County Road K, which then will end on County Road I, south of Brush, and end up on State Highway 71, to County Road F, east to the County Line. He mentioned a discrepancy explaining they are giving the permit approval to "Washington County at the County line, with Commissioner Zwetzig stating the County could add a permit to include County Road 36 to bore under County Road 36 which would be collaborated with Washington County. This will be added to the existing permit.

Commissioner Zwetzig made a motion to approve Permit 2016 PMT 03 with NE Colorado Cellular, Inc. dba Viero Wireless as outlined in the permit document with the additional clause that the county grant a permit to bore under the west half of the county line road right of way. He also asked to add to the permit that the applicant coordinate with all the entities in communicating what work will be completed. He then noted that all fees were attached and authorized the Chair to sign. Commissioner McCracken seconded the motion and motion carried 3-0.

At this time, Commissioner Zwetzig agreed that the County accept this payment as submitted in the amount of \$14,345.00 but stated he wants to ensure the Board reviews the fees in the future to remain consistent with other applications. Commissioner Zwetzig further indicated the County recently approved a recent right of way permit whereas there was some issues with coordinating with the applicant and entities requiring the applicant to meet with those adjoining landowners to communicate the upcoming projects. He requested that this clause be added to the County's right of way permit so that the details of the permit are coordinated with those necessary.

**Consideration of Approval – CONTRACT – 2016 CNT 014 – Wagner Equipment Company**

Morgan County Public Works Director Bruce Bass presented to the Board for approval, Contract 2016 CNT 014 with Wagner Equipment Company, a contract for repairs and services as needed on the fleet equipment. The County will be provided quotes on an as needed bases and the term of the contract is January 11, 2016 thru December 31, 2016. Mr. Bass stated this contract is identical to last year's contract explaining it currently has no costs as it is based on an as needed on call basis outlining Exhibit A as attached to the agreement. He stated the value of this contract will be based on individual cost estimates on a case by case basis and once that is approved by the County, each job will be evaluated and approved or denied for payment. Billing will be invoiced for actual work completed not based on repair estimates indicating this will serve as an umbrella contract to cover all costs for those things that happen unexpectedly to allow for the County to continue working effectively and timely. Commissioner Zwetzig stated this is a process that complies with the Morgan County Purchasing Policy and is not hindering departments the ability to complete their job tasks.

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Commissioner McCracken made a motion to approve Contract 2016 CNT 014 with Wagner Equipment Company for repairs and services on fleet equipment as outlined by Morgan County Public Works Director Bruce Bass the amount is based on the quotes received on an as needed basis for the period of January 11, 2016 through December 31, 2016. Commissioner Zwetzig seconded motion and motion carried 3-0.

Commissioner Zwetzig asked if this vendor was a sole source vendor with Mr. Bass stating it is and it was requested that this information be included in future contracts for reference.

## **Consideration of Approval – CONTRACT – 2016 CNT 016 – Recycle Systems, LLC**

Morgan County Landfill Assistant Manager Cass Yearous presented to the Board for approval, Contract 2016 CNT 016 with Recycle Systems, LLC, a contract for the relining of the baler system in the amount of \$41,500, with authorization necessary for any increase and the term of the contract is until the project is completed. Mr. Yearous stated this contract is to complete a reline of the baler explaining what this process entails. He stated this process will make the structure of the baler as close to new as possible. He stated the materials have been received that were purchased last year and this contract will now cover labor and the additional parts for this project. He further stated this is a single source vendor and asked for board approval. Commissioner McCracken asked if these parts are those designed to be replaced as wearable parts, with Mr. Yearous explaining the different parts being replaced as being wear parts, with the only part being replaced is the packing and replacing of the seals and explained why this is being necessary.

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 016, funding source being the enterprise fund Solid Waste, with Recycle System, LLC, a contract for the reline baler system as outlined by Landfill Assistant Manager, Cass Yearous, in the amount of \$41,500 unless authorized to increase the term of the contract is until finished. Commissioner McCracken seconded motion and motion carried 3-0.

## **Consideration of Approval – Morgan County Fee Schedule for 2016 (tabled from January 12, 2016)**

Morgan County Administrative Services Manager Tracy Amen presented to the Board for approval, the Morgan County Fee Schedule 2016. Ms. Amen stated this is a contact that was tabled from the January 12, 2016 meeting. Ms. Amen stated this matter had been tabled due to the GIS fees on page 12 explaining there has been some clarification made in regards to this fee with Commissioner Zwetzig explaining as part of the clarification, the fee purchase in the amount of \$10,000 allows for more in depth services than those offered to the general public.

Commissioner Zwetzig made the motion to bring the fee schedule back on the table at a later date for further discussions. Commissioner McCracken seconded the motion and motion carried 3-0.

Commissioner Zwetzig made a motion to approve the Morgan County Fee Schedule for 2016 as outlined by Morgan County Administrative Services Manager Tracy Amen. Commissioner McCracken seconded motion and motion carried 3-0.

## **Consideration of Approval – Morgan County Rules and Regulations for use of Facilities at Morgan County Fairgrounds Amended January 26, 2016**

Morgan County Administrative Services Manager Tracy Amen presented to the Board for approval, the Morgan County Rules and Regulations for use of Facilities at Morgan County Fairgrounds Amended January 26, 2016. Ms. Amen stated the main changes to the fees are the regulations addressing and clarifying the use of the facilities for non-profits hosting activities there involving the use of alcohol, clarifying the facilities are not being considered for use by private parties. She stated that also noted on the fee schedule, bolded is the clause that if you are an out of county user, the fees are doubled. Commissioner Zwetzig asked to note the clarification that the previous fairground rules when allowing private parties and dances, the County was requiring security and alcohol was allowed. Non-profits are being handled in a different manner, still requiring security. The County is not allowing alcohol or dance any longer so these rules and regulations reflect this regulation. He stated since the County has went to this format, it has worked very well for the County Maintenance Department.

Commissioner Zwetzig made a motion to approve the Morgan County Rules and Regulations for use of Facilities at Morgan County Fairgrounds Amended January 26, 2016 as outlined by Morgan County Administrative Services Manager Tracy Amen. Commissioner McCracken seconded motion and motion carried 3-0.

Commissioner Zwetzig asked to note that the Commissioners made a commitment to work on these regulations at the fairgrounds and the activities being held there are increasing and the County is working on upgrades and a new HVAC system at this time on a scheduled maintenance plan as well as installing an audio system in the multipurpose building.

## **COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated January 22, 2016 through February 2, 2016 with changes.

Commissioner Zwetzig expressed his appreciation to the City of Brush and the continue efforts in the construction of a new ambulance building.

## **UNFINISHED BUSINESS**

There was no unfinished business.

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## CITIZEN'S COMMENT

There were no citizen comments.

## EXECUTIVE SESSION

At this time, the Board of County Commissioners convened into Executive Session.

Chair Teague called the meeting to order at 9:47 a.m. stating this meeting is a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). He stated this portion of the meeting was being recorded and named all those present at this time to include Chair Laura Teague, Commissioner James Zwetzig, Commissioner Brian McCracken, Susan L. Bailey, Randee Aleman, Tracy Amen, John Crosthwait and County Attorney Jeff Parker.

At this time, Commissioner McCracken made the motion to move into executive session for the stated purpose, with Commissioner Zwetzig seconding the motion and motion carried 3-0.

County Attorney Jeff Parker confirmed the subject of this meeting as attorney client privileged and stated that no further recordings of this executive session shall be made indicating the time as 9:49 a.m. when the recorder was turned off.

At this time, Ms. Bailey, Ms. Amen and Ms. Aleman recused themselves and left the meeting.

Ms. Bailey, Ms. Aleman and Ms. Amen returned to the meeting at which time the recording was turned back on with Chair Teague stating the time as being 10:35 a.m. indicating the privileged attorney-client communication was finished. She attested that the recording reflected the actual contents of the discussion held during the executive session and the recording has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings Law. She stated the tape shall be in the possession of the appropriate personnel for a 90-day period and indicated the time was 10:35 a.m. and concluded the executive session stating that the participants in the executive session were herself, Commissioner McCracken, Commissioner Zwetzig, John Crosthwait and County Attorney Jeff Parker.

Chair Teague further stated, for the record, if any person who participated in the executive session believed that any substantial discussion of any matters not included in the motion go into executive session occurred during the executive session, or than any improper action occurred during the executive session in violation of the Open Meetings Law, she asked that the person state their concerns for the record.

At this time a motion was made by Commissioner Zwetzig to move back into the open meeting with Commissioner McCracken seconding the motion and motion carried 3-0.

Being no further business, the meeting was adjourned at 10:37 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

**(Minutes ratified February 2, 2016)**

## **THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO**

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Laura D. Teague, Chair

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Brian K. McCracken, Commissioner

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James P. Zwetzig, Commissioner

(SEAL)

**ATTEST:**

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Susan L. Bailey, Clerk to the Board

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