

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

December 22, 2015

The Board of Morgan County Commissioners met on Tuesday, December 22, 2015 at 9:03 a.m. with Chairman Brian McCracken, Commissioner Laura Teague and Commissioner James Zwetzig in attendance. Chairman Brian McCracken called the meeting to order and asked Citizen, Gary Teague to lead the meeting in the Pledge of Allegiance.

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Public Hearing Minutes dated December 15, 2015
- Ratify the Board of County Commissioners approval of Minutes dated December 15, 2015
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 210, MJ's Garage Service, Repairs Ambulance Building, Term of Contact November 12, 2015 until completed
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 211, Statewide Internet Portal Authority, Gmail Services, Term of Contract December 10, 2015 until December 9, 2016
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 212, Ray Boone Norris, DHS, Term of Contract until complete scope of services
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 213, Collaborative Services for Change, DHS, Term of Contract until complete scope of services.
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 214, Jamie Farmer, DHS, Term of Contract until complete scope of services
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 215, renewal of 2012 CNT 10, Diverse Asset Management, Solid Waste Management, Term of Contract January 1, 2016 through December 31, 2013
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 216, renewal of 2013 CNT 129, ALS Environmental, Solid Waste Management, Term of Contract, January 1, 2016 to December 31, 2016
- Ratify Commissioner Laura Teague's signature on Security Access for the Certification of Levies and Revenues Online Application dated December 14, 2015
- Ratify Commissioner Laura Teague's signature on Aflac Group Master Application dated December 14, 2015
- Ratify Chairman Brian McCracken's signature on 2016 Annual Court Security Grant Award
- Ratify Chairman Brian McCracken's signature approving the assignment of debt collections to Central Collection Services for Client #151303 and #151116

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

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – 2016 Mill Levy Certification

Morgan County Information Systems Manager Karol Kopetzky presented to the Board for approval the 2016 Mill Levy Certification for Morgan County. Ms. Kopetzky summarized the information provided to the board stating that all taxing agencies have reported to the County in a timely manner. She stated that she did assist some of the taxing districts to stay within their certification values and was able to assist them with calculating a temporary tax credit as necessary.

Ms. Kopetzky read aloud the school district information certifying the following as:

- Merino School District as being 34.742 mills and 7.67 bond
- Brush School District as being 36.737 mills, 6.495 bond and 1.054 kindergarten special mill
- Fort Morgan School District as being 42.449 mills and 13.133 bond
- Weldona School District as being 31.767 mills and 4.22 bond
- Wiggins School District as being 30.746 mills and 4.22 bond
- Briggsdale School District as being 17.105 mills and 6.20 bond
- Aims Jr. College as being 6.325 mills and .026 abatement

Ms. Kopetzky further summarized the mill levy for Morgan County including the cities and towns as Morgan County certifying at 28.128 mills with a temporary tax credit of .820 for the 2016 fiscal year.

- City of Brush as being 15.66 mills
- City of Fort Morgan as being 13.254 mills
- Hillrose as being 17.773 with a temporary tax credit of .117
- Log Lane as being 34.267 mills
- Wiggins as being 32.212 mills

Further local improvements and service districts were then summarized with the fire districts being referenced as Brush Rural Fire as being 3.289 mills with a temporary tax credit as .224

- Fort Morgan Rural Fire Protection as being 2.912 with a temporary tax credit as .121
- Hillrose Rural Fire as being 7.719 mills
- New Raymer-Stoneham Fire as being 2.588 mills
- Wiggins Rural Fire Protection as being 7.00 and .0008 abatement

The following Water Conservancy Districts were summarized as being:

- Central Colorado Water Conservancy as being 1.533mills , 9.45 bond, .050 abatement and .181 election levy

2 COMMISSIONERS PROCEEDINGS

Central Colorado Ground Water Management as being 1.272 mills, .049 abatement and contractual obligation .673
Lower S. Platte Water Conservation as being .504 mills, .007 abatement and a temporary tax credit as .003
Northern Colorado Water Conservancy as being 1.00 mills
Central Colorado Well Augmentation as being 9.355 mills and .355 abatement

Ms. Kopetzky further summarized the County Pest Control Districts indicating Fort Morgan Pest Control as being .288 mills with a temporary tax credit as .011 and Wiggins Community Pest Control as being .0399 mills with a temporary tax credit as .052.

The remaining mill levies were summarized for the following as:

East Morgan County Hospital as being 4.5 mills
East Morgan County Library as being 3.5 mills
Morgan Soil Conservation District as being 0 mills
Morgan Quality Water District as being .824 mills
Munns Addition Water & Sanitation as being 0 mills
North Kiowa Bijou Ground Water Management as being .027 mills
Prairie View Ranch Water District as being 0 mills
Snyder Sanitation as being 10.947 mills with a temporary tax credit as .955

Ms. Kopetzky then summarized the assessments per acre foot, well or unit as:

Bijou Irrigation as being 19,177 acres at \$46.58/acre
Hillrose Irrigation District as being 7,332 acres at \$4.00/acre
North Kiowa Bijou Special Association 363 wells \$30.00/each
Northern Colorado Water Conservancy District Class D as being 451 acres at \$10.90/acre
Riverside Irrigation as being 22,154 acres at \$15.00/acre
Weldon Valley Drainage as being 679 units at 250.00/unit

Commissioner Teague made a motion to approve the 2016 Mill Levy and Certification Summary as outlined in the certification as presented to the Board by Ms. Koptezky and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. Motion carried 3-0.

Ms. Kopetzky stated she is continuing to utilize the online certification process with the State of Colorado which has helped the County greatly with the process and will be able to complete the process today “with a click of a button”.

Consideration of Approval – RESOLUTION – 2015 BCC 33 – Adopt Supplement Budget, Morgan County Ambulance Fund

RESOLUTION 2015 BCC 33

RESOLUTION TO ADOPT SUPPLEMENTAL BUDGET Morgan County Ambulance Fund

A resolution appropriating additional sums of money to defray expenses in excess of amount budgeted for Morgan County, Colorado.

WHEREAS, unforeseen circumstances at the time of budget adoption have occurred that require this contingency measure, and

WHEREAS, the money to finance the contingency is available in the same fund in the form of restricted surpluses,

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

That the 2015 appropriation for the Morgan County Ambulance Fund is hereby increased from \$1,116,498 to \$1,266,498 and the sum of \$150,000 is hereby transferred from unappropriated fund balance in the Morgan County Ambulance Fund to be used in 2015.

Dated this 22nd day of December, 2015

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Brian K. McCracken
Brian K. McCracken, Chairman

s/Laura D. Teague
Laura D. Teague, Commissioner

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

COMMISSIONERS PROCEEDINGS 3

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey, Clerk to the Board

Morgan County Finance Director Michelle Covelli presented to the Board for approval, Resolution 2015 BCC 33, a Resolution to Adopt Supplement Budget, Morgan County Ambulance Service Fund. Ms. Covelli stated this resolution reflects that during the year there was a purchase of radios that was completed during this fiscal year to save the County additional budget dollars. She stated this resolution will increase the budget by \$150,000.00 from \$1,116,498.00 to \$1,266,498.00. She stated there is a revision to the presented resolution that she will correct and submit for final approval.

Commissioner Zwetzig made a motion to approve Resolution 2015 BCC 33, a Resolution to Adopt Supplement Budget, Morgan County Ambulance, as presented by Morgan County Finance Director Michelle Covelli with the noted change in the presented resolution. Commissioner Teague seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT - 2015 CNT 218 – Wiggins Rural Fire District

Morgan County Ambulance Director Joe King presented to the Board for approval Contract 2015 CNT 218 with Wiggins Rural Fire District. Mr. King stated this contract is for providing the district with medical supplies as needed. The term of the contract is December 10, 2015 through December 10, 2016. Mr. King stated they have been housing the ambulance in this location for the last five years and this is a modification of the current contract to provide them with medical supplies as needed in lieu of payment for housing of the ambulance equipment. He stated he feels this will be an in-kind offering of approximately \$200.00 expressing that he believes this will be a benefit to the County.

Commissioner Teague made a motion to approve Contract 2015 CNT 218, the intergovernmental agreement with Wiggins Rural Fire District as outlined by Mr. King. Commissioner Zwetzig seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated December 18, 2015 through December 29, 2015 with changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT

There were no citizen comments.

At this time, Chairman McCracken recessed until the Public Hearing scheduled for 9:30 a.m.

PUBLIC HEARING

Application for Vacation of Certain Portions of County Road 14

That portion of County Road 14: Commencing on the south right of way line of County Road P and continuing south along the section line between Sections 20 and 21, Township 3 North, Range 58 West of the 6th PM and between Sections 28 and 29, Township 3 North, Range 58 West of the 6th PM to the end of the presently dedicated/maintained road located in Morgan County, Fort Morgan, Colorado 80701.

The hearing was called to order by Chairman Commissioner McCracken at 9:31 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Brian McCracken, Commissioner James Zwetzig and Commissioner Laura Teague. Also present were John Crosthwait, Planning Administrator and County Attorney, Jeff Parker.

At this time, Commissioner Teague asked to recues herself due to the fact the applicant for this hearing is one in the same. Chairman McCracken asked the applicant to approach the podium, at which time Mr. Gary Teague presented himself indicating his address as 14505 County Road 14, Fort Morgan, Colorado. He stated he had no additional information to add.

APPLICANT: TRIPLE T INVESTMENTS, LLC
LANDOWNERS: TRIPLE T INVESTMENTS

At this time, Chairman McCracken asked for public comment with County Attorney, Jeff Parker, stated that in reviewing the resolution he made the suggestion to revise the resolution clarifying that there will be an easement reserved for any ditch or canals that run through the right of way. He summarized the language in the resolution needs to be clarified reading aloud his suggested changes. Mr. Parker stated the fourth whereas clause as being deleted in its entirety and explained his reasoning for this deletion. The other changes were noted with Mr. Parker

4 COMMISSIONERS PROCEEDINGS

stating he will provide a written revised resolution for the Board to adopt. Mr. Parker read aloud his suggested revision as to add to a paragraph on page two summarizing which paragraph and for ditches or canals, et al with Mr. Parker to provide the detailed revisions for approval.

Also to delete section 4 in its entirety explaining his reasoning why.

Mr. Crosthwait stated that Morgan County Quality Water District did contact him in regards to their existing facilities within the right of way and after they reviewed the resolution, they felt comfortable with the detailed requirements with Mr. Parker stating his revisions will further clarify the concerns.

Mr. Teague stated in an effort to be clear he wanted to review the information asking Chairman McCracken when he initially referenced the application he believes the information needs to be referred to the vacation of where it initially begins to where it ends. County Attorney Jeff Parker stated he is in agreement with this change of legal description of where the road vacation will be. Commissioner Zwetzig asked about the elevation on County Road P, asking Mr. Teague about keeping a lane open to the property there and asked if he is planning to place a permanent structure there such as a gate. Mr. Teague stated they would like to go back about 60-100 feet and level this area out, explaining that it would allow a road grader or someone the ability to turn around. Commissioner Zwetzig suggested that part of the agreement indicate the 60 feet or appropriate distance be allowed for a turnaround for safety sake. Mr. Parker stated he will work with Planning Administrator John Crosthwait to make this revision which would then be allowing for a lesser area to be vacated.

Mr. Dick Early, Morgan County Bridge Supervisor, summarized how county road maintenance at this time utilizes this area and how they currently turn around, with discussion following as to where it will be vacated to allow for this turn around. Further discussion ensued as to how best to allow for this turn around for county maintenance with the decision to be to revise the resolution to allow for the adequate amount of room for this to occur for safety reasons. Mr. Early stated that the County graders could adequately turnaround in County Road P right of way without need for a turnaround further south on County Road 14. Mr. Early asked for clarification as to who would be responsible for maintaining the structure (culvert) that is located at this area for the benefit of the ditch company water conveyance. Discussion followed as to whom is the benefit of this culvert, with Mr. Early stating it would be Mr. Teague in the future given this vacation. Upon discussion, it was stated by Mr. Parker that the County is basically giving up its rights and who actually has the greatest right, the ditch company or the County given this infrastructure. Mr. Parker stated the County is not responsible for maintaining this due to the vacation and it would be up to the owner or the ditch company. Upon review of the area in question, it was discussed that the culvert is in the both right of ways on County Road P and County Road 14 with Mr. Parker stating it does need to be clarified as to who is responsible for maintaining of this infrastructure. Mr. Parker believes the County would still need to maintain this culvert given it is still part of the right of way for County Road P with Chairman McCracken in agreement with this statement. Mr. Teague commented if there is a structure that is in the County Right of Way, he does not see that he has the ability to work in that right of way given it is affecting County Road P. Mr. Early stated it becomes a "driveway access" at this time given the road vacation and the driveway becomes the property owner's responsibility. Commissioner Zwetzig commented in regards to the past issues the County has experienced with culverts, driveway accesses and right of ways for property owners during excessive run off and stated that it be treated as Mr. Early has suggested and it be considered a driveway access.

Mr. Teague stated there are responsibilities that are being placed on him as an applicant and asked to review the document in its entirety. A great amount of discussion ensued with all parties discussing each section of the resolution and the appropriate findings for revisions to the resolution to be made which will be provided by County Attorney, Jeff Parker, as discussed. These revisions will be made to provide clarity of what the responsibilities will be for both the County and the applicant for future reference. Revisions will include those of which will protect the existing right of ways and infrastructure that is in place including water pipelines, telephone services and electrical services.

Mr. Teague questioned paragraph 6 on page 3, expressing his concern about what the standard is with Mr. Parker stating the County will no longer have any liability for this location given it will be vacated back to the landowner. Mr. Teague also questioned paragraph 10 on page 4, with agreement to delete this in its entirety. Commissioner Zwetzig asked to strike the information on page 2, "whereas the maintenance of the subject portions of County Road 14, to be vacated is a waste of public funds" with all in agreement to strike this paragraph.

Commissioner Zwetzig asked that language in addition to the state statute language of reservation of an easement for the combined use of existing services, there be added and noted in testimony, the reservation shall include the right to maintain, repair, replace and expand or enlarge their facilities within the vacated county road right of way.

Commissioner Zwetzig also asked to clarify an actual dedication of the roadway, wanting to assure if there is any obligation on the County 20 years from now if they would be petitioned to open this roadway and would they be required to. Mr. Parker answered no to this concern, explaining the County is giving up its rights to this roadway, and the owners in the future could petition the board for opening this roadway with Commissioner Zwetzig stating that in this board's discussion, it can be stated that this is the intent of the current board so not to obligate a future board in regards to this matter. Mr. Parker stated the County would not be obligated in the future.

Commissioner Zwetzig inquired whether or not all landowners were notified in regards to this vacation, with Ms. Amen stating the notification came from the Commissioner's office which was hand delivered to all entities in question. It was noted that all landowners were notified by hand delivery on December 10th, by Commissioner Teague. Mr. Parker reviewed the statute, stating the statute requires a first class mailing, indicating personal delivery of notice should be better than that. Commissioner Zwetzig asked if the named entities could sign a waiver, with Mr. Parker asking Mr. Teague if he is an authorized agent for all the entities listed in the resolution. Mr. Teague stated yes, he is owner and a manager of the properties in question with Mr. Parker stating it is his opinion that this condition has been met.

COMMISSIONERS PROCEEDINGS 5

Mr. Teague asked to have the ability to review the final document before it is approved and voted on with all in agreement. Mr. Early stated he will be required to stop the bridge inspections on the area in question given it will become private property. The Board stated they understand this requirement.

Mr. Parker stated he will revise the resolution, shortening or removing whereas clauses, and clarify the legal description to ensure its accuracy and will prepare the resolution for review and approval at a future date. Commissioner Zwetzig stated that all testimony has been heard in regards to this matter with Mr. Parker stating the continuation is basically for the resolution to be revised and approval to be made on the agreement made today at a future date. Chairman McCracken asked that Mr. Teague be given the opportunity to review this revised resolution before it is taken to the next meeting. Commissioner Zwetzig noted he will be out of the office until the new year so this matter will not be heard until that time.

Mr. Parker asked to clarify the vacated area, with the Board stating they will vacate from the south side right of way line of County Road P without the need for a public maintained turnaround as advised by Dick Early of Road and Bridge. Mr. Teague confirmed that he will be given the opportunity to review the resolution before it is taken to the board for approval with all in agreement.

Mr. Crosthwait stated he did send to the County Attorney all the deeds that address both sides of County Road 14, noting that properties associated with the Teague name stating there are quite a few of them, noting that there are many other properties in question that involved this legal description.

At this time, Chairman McCracken closed the public hearing portion of this matter with Commissioner Zwetzig making the motion to table this matter for Tuesday, January 5, 2016 for decision noting that both the applicant and board will receive in adequate time to review the final resolution for approval. Chairman McCracken seconded the motion and motion carried 2-0.

Being no further business, the meeting was adjourned at 10:19 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified January 5, 2016)

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

s/ Brian K. McCracken
Brian K. McCracken, Chairman

s/Laura D. Teague
Laura D. Teague, Commissioner

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

(SEAL)
ATTEST:

s/ Susan L. Bailey
Susan L. Bailey, Clerk to the Board