

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting February 2, 2016

The Board of Morgan County Commissioners met on Tuesday, February 2, 2016 at 10:02 a.m. with Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Chair Teague noted that the meeting was on a delay due to the significant snow storm. Chair Laura Teague called the meeting to order and asked Morgan County Sheriff Jim Crone to lead the meeting in the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Minutes dated January 26, 2016
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 018, SM Rocha, LLC Ambulance Department, Term of Contact January 20, 2016 until completion
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 019, MJ's Garage Service, Repairs Ambulance Department, Term of Contract January 14, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 020, Concept Auto Body, Repairs Fleet Department, January 22, 2016 until completed
- Ratify Chair Laura Teague's signature on Post Energy, Stirk CNG letter of support, dated January 26, 2016
- Ratify the Board of County Commissioners signatures on Consolidated Communications Network of Colorado, Inc letter designating Danette Martin as representative dated January 26, 2016
- Ratify the Board of County Commissioners appointment of Tracy L. Amen, Director of Human Resources

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

Chair Teague stated that the presentation to be given by Valerie Hibbet CEO/Administrator for the Northeastern Colorado Revolving Loan Fund was informational only and she is not able to attend so it will be rescheduled at a later date.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval - CONTRACT - 2016 CNT 021- Baseline Engineering Corporation**

Morgan County Planning & Zoning Administrator John Crosthwait presented to the Board Contract 2016 CNT 021, a contract with Baseline Engineering Corporation. Mr. Crosthwait stated this contract is for consulting services in the amount of \$6,300.00 plus time and materials with the contract term of February 2, 2016 until the project is completed. Mr. Crosthwait stated this contract is to review the application for Windy Hill Water Facility LLC, an exploration and production plant, waste water injection well and also a deep water recovery well. Baseline Engineering Corporation are considered experts in their field and will work with Morgan County. Mr. Crosthwait read aloud Exhibit A the scope of services.

#### Consultant's Duties

We understand that Baseline will be requested to perform the following SERVICES:

1. Become familiar with the Morgan County Code and review the USR submittal for compliance with the Morgan County Development Code and the County's Comprehensive Plan.
2. Provide comments to the applicant as needed if the submittal documents lack clarity or need updating – with ONE round of comments to the applicant (quality of applicants response may require additional reviews)
3. Draft a staff report for the required hearing(s) in conformance with County standards.
5. Attend and present the staff report at the required hearing(s) to provide advisory services to the Planning Commission and Board of County Commissioners, and work towards answering questions that could arise from the public. In addition, meetings with staff may be requested of us at Morgan County.

Below is an estimate of the maximum total budget suggested by Baseline to perform the tasks necessary to research, evaluate and complete an accurate staff report(s) to be prepared in the anticipated future hearings.

The Estimate below corresponds to the same numbers above for SERVICES:

1. Associate Planner : \$2,500.00 / Senior Planner: \$1,200.00 / Planning Director: \$500.00 = Total: \$4,200.00
2. Total included in item 1 above
3. Associate Planner : \$1,400.00 / Senior Planner: \$500.00 / Planning Director: \$200.00 = Total: \$2,100.00

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Estimated Maximum Budget: \$6,300 plus T&M for needed staff to attend hearings and/or meetings with Morgan County staff.

Chair Teague asked Mr. Crosthwait if these costs would be passed onto the applicant with him stating the answer as yes. He also stated the Planning Department worked with the County Attorney to make sure this company was not associated with the applicant in anyway.

Commissioner Zwetzig asked if the payment must be received for the application to proceed with and Mr. Crosthwait stated it is his understanding that there has been a retainer fee paid to the County Attorney to proceed with the application in the amount of \$13,000.00.

Commissioner Zwetzig asked Mr. Crosthwait to clarify the amount as stated of \$6,300.00 which would be plus time and mileage. Mr. Crosthwait explained the budget for the work as \$6,300.00 plus T & M, which is time and materials. There was continued discussion of the contract.

Chair Teague asked how does the County protects itself and make sure the County does not incur these consulting costs, with Mr. Crosthwait responding that it is required by code and the applicant has agreed to pay whatever the fee is.

Commissioner Zwetzig stated that when it gets to the point that the retainer does not cover the contract, the County should require a future payment to be received in order to proceed with the application.

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 021 using funding source for the initial payment being administration general funds with Baseline Engineering Corporation, for consulting services for an application for the Planning and Zoning Department, in the amount of \$6,300.00 plus time and materials, the term of the contact is February 2, 2016 until the project is completed, with additional condition when the retainer that has been collected is reached additional funds must be obtained before the application can proceed any further. Commissioner McCracken seconded motion and motion carried 3-0.

### **Consideration of Approval - CONTRACT - 2016 CNT 022- David K. Dillon, LLC**

Morgan County Planning & Zoning Administrator John Crosthwait presented to the Board Contract 2016 CNT 022, a contract with David K. Dillon, LLC. Mr. Crosthwait stated this contract is for a consultant in the amount of \$7,000.00 with the contract term of February 2, 2016 until the project is completed. Mr. Crosthwait stated it was difficult to find a person that was not associated with the applicant. This contract is for the Windy Hill Water Facility, LLC. This individual is a professional engineer, specializing in petroleum engineering. Mr. Crosthwait then read aloud the consultants duties as:

#### Consultant's Duties

During the term of this Agreement, Consultant shall perform the following duties, as directed by the County:

- Provide an engineering review and recommendations regarding a use by special review application for an E&P wastewater injection well.
- Attend the public hearings on the application before Planning Commission and Board of County Commissioners.
- Work with the County's planning consultant in reviewing the application and developing a staff report for the County's Planning Commission and Board of County Commissioners.

#### Consultant's Fees

Consultant estimates that the above services will cost \$7,000.00. Consultant's hourly rate is \$200.00. The hourly rate is charged for work performed and associated travel. In addition to this hourly rate, the Consultant charges \$1.10/mile for mileage.

Chair Teague suggested that a motion be made to indicate that any costs over the estimated \$7000.00 budgeted amount, a new contract or additional funding be considered. Commissioner Zwetzig stated that the contract does state that they are required to obtain the County's approval for any additional funding, once the retainer is exceeded, the County will not proceed until further funding is obtained.

Commissioner McCracken made a motion to approve Contract 2016 CNT 022 with David K. Dillon, LLC for a consultant for the Windy Hill project as outlined by Morgan County Planning & Zoning Administrator John Crosthwait in the amount not to exceed \$7,000.00 and stated if the contractor exceeds the projected costs there will need to be extra funds submitted by the applicant for the period of February 2, 2016 until the project is completed. Zwetzig second motion carried 3-0.

Mr. Crosthwait stated that there would be a contract in the near future for traffic engineering for road issues.

### **Consideration of Approval – VEHICLE PURCHASE –State Agreement #2016-137**

### **Consideration of Approval – VEHICLE PURCHASE –State Agreement #2016-141**

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## **Consideration of Approval – VEHICLE PURCHASE –State Agreement #2016-152**

## **Consideration of Approval – VEHICLE PURCHASE –State Agreement #2016-154**

Chair Teague stated that these four contracts that were to be presented are for four vehicle purchases and due to the snow storm, Morgan County Public Works Director Bruce Bass is unable to attend, and asked for a motion to table the four contracts until the February 9, 2016 meeting.

Commissioner Zwetzig made a motion to table the four contracts to be tabled to February 9, 2016 meeting, Commissioner McCracken seconded the motion and motion carried 3-0.

## **Consideration of Approval – BID AWARD – 2015-1210 Wayfinding Signage Master Plan**

Chair Teague stated this is a bid award 2015-1210 for Wayfinding Signage Master Plan for the Lodging and Tourism panel since Kristine Rodine was not available the Board asked to table this to next week's meeting. Commissioner Zwetzig suggested that it not be set to a certain date to be tabled until they are sure Ms. Rodine and Tyler Purvis, City of Brush were both able to attend.

Commissioner Zwetzig made a motion to table bid award 2015-1210 Wayfinding Signage Master Plan to a later date, Commissioner McCracken seconded the motion and motion carried 3-0.

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

Commissioners reviewed the calendar dated January 29, 2016 through February 9, 2016 with changes.

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **LIQUOR LICENSES**

At this time, the Board of County Commissioners convened as the Morgan County Liquor License Authority in the matters of:

### **Liquor License or 3.2 Beer Renewal Application – on/off premises (County)**

**Licensee: AJ's Corner Tavern, Inc. DBA as AJ's Corner Tavern**

**Operating Manager: Ernest A. Ruiz**

Morgan County Deputy Clerk to the Board Randee Aleman presented to the Board a liquor license renewal application submitted by Ernest A. Ruiz representing AJ's Corner Tavern, Inc. dba AJ's Corner Tavern for a Tavern (county) license. Ms. Aleman verified that the necessary documents and fees have been submitted as required. Ms. Aleman asked the Morgan County Sheriff's Department to report at which time Sheriff James Crone that Mr. Ruiz had a domestic violence charge in the last year and took a plea on the charges and is still probably under court supervision. Chair Teague stated that she spoke with Morgan County Clerk and Recorder Susan Bailey prior to the meeting with Mr. Ruiz being charged last year prior to the approval of his application last year and Ms. Bailey felt that the charges being founded or unfounded do not have a variant on the approval of the application.

Chair Teague opened the matter for public comment at which time no comment followed.

A motion was made by Commissioner McCracken to approve the liquor license for AJ's Corner Tavern, Inc. dba AJ's Corner Tavern present by Morgan County Deputy Clerk to the Board Randee Aleman and noting that the fees are attached and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

## **CITIZEN'S COMMENT**

Morgan County Sheriff Jim Crone and Morgan County Undersheriff Dave Martin would like to thank the Road and Bridge department for all their hard work clearing the roads with this most recent snow storm, also the Department of Human Resources and the Justice Center parking lots look great.

Being no further business, the meeting was adjourned at 10:24a.m.

Respectfully Submitted,  
Randee Aleman  
Deputy Clerk to the Board

**(Minutes ratified February 23, 2016)**

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

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s/ Laura D. Teague  
Laura D. Teague, Chair

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s/ Brian K. McCracken

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Brian K. McCracken, Commissioner

s/ James P. Zwetzig

James P. Zwetzig, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey

Susan L. Bailey, Clerk to the Board