

# COMMISSIONERS PROCEEDINGS 1

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

The Board of Morgan County Commissioners met on April 26, 2016 at 9:00 a.m. with Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Chair Laura Teague called the meeting to order and asked Morgan County Citizen John Glenn to lead the meeting in the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Minutes dated April 19, 2016
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 063, Kinnon Entertainment – Fairground Multi-Purpose Bldg sound system, Term of Contract April 5, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 064, Hill Petroleum, Fuel Purchases, Term of Contract April 5, 2016 through September 30, 2016
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 065, Standard Glass, windshield pit repairs, Term of Contract April 19, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 066, NJC Young Farmers, Pedal Tractor Pull for 2016 Morgan County Fair, Term of Contract April 7, 2016 through August 3, 2016
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 067, Tangram Design LLC., Tourism Signage, Term of Contract February 9, 2016 until completed
- Ratify the Board of County Commissioners approval for disposal of assets, (1) 2010 Ford Crown Victoria, (1) 2002 Chevrolet LS 1500 Pick Up, (1) 2003 Ford Crown Victoria, (1) 2004 Ford Crown Victoria, dated April 18, 2016
- Ratify the Board of County Commissioners and Tourism Board approval of the reduction of newspaper advertising from bid award of 2016-0317-001 from \$840.40 to \$672.00
- Ratify the Board of County Commissioners and Tourism Board approval of the reduction of radio advertising from bid award of 2016-0317-002 from \$31,012.50 to \$24,810.00

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

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval – RIGHT OF WAY PERMIT - 2016 PMT 09 – Wiggins Telephone Association**

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2016 PMT 09, with Wiggins Telephone Association. Mr. Goodman stated this Right of Way Permit is for the purpose of installing fiber to a new home located at 18380 County Road 8 with legal description beginning 5980 feet north of the intersection of I-76 Frontage Road and County Road 8 at existing vault labeled 2A1/10 in Section 4 Range 59W Township 4N. Service will be placed from that location north 510 feet on the east side of County Road 8 to the address of 18380 County Road 8. Mr. Goodman stated he has completed the necessary inspection and all fees are attached in the amount of \$101.50.

Commissioner Zwetzig made a motion to approve Permit 2016 PMT 09 with Wiggins Telephone Association as outlined in the permit document and as presented by Morgan County Road Supervisor John Goodman, and authorized the Chair to sign, and noted the fees are attached. Commissioner McCracken seconded the motion and motion carried 3-0.

#### **Consideration of Approval – RIGHT OF WAY PERMIT - 2016 PMT 10 – Morgan County Quality Water District**

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2016 PMT 10, with Morgan County Quality Water District. Mr. Goodman stated this Right of Way Permit is for the purpose of installing new water service from existing supply line located at approx 3465 feet east of Highway 52 on the north side of Morgan County Road Q for the installation of a hydrant. Mr. Goodman stated he has completed the necessary inspection and all fees are attached in the amount of \$50.00.

Commissioner McCracken made a motion to approve Permit 2016 PMT 10 with Morgan County Quality Water District as outlined in the permit document and as presented by Morgan County Road Supervisor John Goodman, and authorized the Chair to sign, and noted the fees are attached. Commissioner Zwetzig seconded the motion and motion carried 3-0.

#### **Consideration of Approval – RIGHT OF WAY PERMIT - 2016 PMT 11 – Charter Communications**

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2016 PMT 11, with Charter Communications. Mr. Goodman stated this Right of Way Permit is for the purpose of installing new fiber starting by boring on the north side of County Road R 90 feet west of Park Street ending on the south side of County Road R at West Street. Service will be place parallel to County Road R on the south side for a distance of 350 feet. Mr. Goodman stated he has completed the necessary inspection and all fees are attached in the amount of \$194.00. Discussion ensued as to which portion of County Road R is the County's responsibility and what may possibly be the City of Fort Morgan's responsibility. Commissioner Zwetzig clarified the City of Fort Morgan referred Charter Communications to the County to apply for this right of way permit and further discussion will follow as to who is responsible for which part of the road in question.

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Commissioner Zwetzig made a motion to approve Permit 2016 PMT 11 with Charter Communications as outlined in the permit document and as presented by Morgan County Road Supervisor John Goodman, and authorized the Chair to sign, and noted the fees are attached. Commissioner McCracken seconded the motion and motion carried 3-0.

### **Consideration of Approval – PURCHASE (Chip Aggregate) – Albert Frei & Sons**

Morgan County Public Works Director Bruce Bass presented to the Board for approval, a Purchase from Albert Frei & Sons. Mr. Bass stated this is to purchase 9,600 tons of half inch crushed rock, at \$22.00 a ton with the total amount being \$211,200.00. He stated this company will be able to provide this material for the County's projects explaining that this had been bid out twice before with no response in the past. He stated the rock does not meet the specifications 100 percent, explaining that it is slightly larger rock but believes it will work well for the proposed road projects and they have conferred with the asphalt contractor.

Chair Teague asked if he had inquired as to why they had not responded to the prior bid process with Mr. Bass stating they explained they were not making rock that would meet the fine grade specification in the County's bid. He stated the other plants had basically sold all the materials they had on hand and did state they may be able to provide materials late July. John Goodman, Road Supervisor, stated that he did speak with Martin Marietta and they indicated they were so far behind in meeting supply and demand as the reason why they were not able to provide the materials. He further stated the issues at hand and feels the County is saving on costs given the distance in which the materials would have to be hauled to Morgan County and the cost for that would be at a higher cost than purchasing from the vendor being proposed.

Commissioner Zwetzig stated he considers this to be a sole source vendor explaining that this is material that is not readily available and given the County has completed a bid process twice now with no response.

Mr. Bass stated this year's chip seal projects as being in the following locations: Road T.5 from SH52 to Road 27; Road R from Road 20 to SH71; Road 21 from RR to Road N; Road 24 from Road W to dead end; Road 17 from Road S to Road O; Road P from Road 19 to Road 21.

Commissioner McCracken made a motion to approve the purchase of 9,600 tons of half inch crushed rock from Albert Frei & Sons in the amount of \$211,200.00, as outlined by Morgan County Public Works Director Bruce Bass and authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

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

Morgan County Clerk and Recorder Susan Bailey presented to the Board the First Quarter Report for 2016 explaining the data being presented today was for both the Motor Vehicle Department and the Recording Department. Ms. Bailey summarized the amount of fees the Motor Vehicle Department has collected for the first quarter indicating this as an increase of approximately \$290,000.00 stating there is a great amount of traffic and daily activity going on in the department. She further noted information regarding the online renewal fees as well as the credit card fees which are retained by the State of Colorado. Ms. Bailey stated there was a total of \$17,375.00 collected as late fees indicating that the County only is allowed to retain approximately 19.4 percent of this total, therefore, for the first quarter the amount deposited to the County general fund was \$3,370.00, which is very minimal compared to the amount the State receives.

Ms. Bailey further summarized statistical information for the month of March 2016 stating in March the motor vehicle department issued a total of 1,475 green and white passenger plates, 302 trailer plates and 51 motorcycle plates and compared those numbers to those issued in Logan County stating those same breakdowns as 837 passenger plates, 245 trailer plates and 44 motorcycle plates.

Ms. Bailey then reported on the statistical information for March 2016 in the recording department noting the office issued a total of 15 marriage licenses with the County retaining \$105.00 of the fees collected. Also collected was a total of \$5,700.00 for eagle web subscriptions in which she indicated there are a total of 12 subscriptions active at this time. Ms. Bailey further summarized the total fees collected as \$19,475.40 and provided a detailed breakdown of what those fees were collected for.

Ms. Bailey then announced a public notice indicating her office will be conducting logic and accuracy testing on the election equipment which will be used in the 2016 Primary Election on Monday, May 16, 2016 from 10:00 a.m. to noon with an alternate date of Wednesday, May 18, 2016. She stated that the public is welcome to attend and observe the process if they should wish to do so and asked that the media announce this notice and stated it will be publicly posted as required and placed on the County's website as information to the public. Ms. Bailey stated the primary election will be held Tuesday, June 28<sup>th</sup>, 2016 and explained the deadlines for affiliation requirements in order to participate in the 2016 Primary Election.

Commissioner Zwetzig noted that he was recently in Arapahoe County and observed the long wait lines in the Motor Vehicle Department and expressed his gratitude to County staff for doing such a good job and being so efficient given the report of the increase in customers in the office.

Commissioners reviewed the calendar dated April 22, 2016 May 3, 2016 with changes.

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## UNFINISHED BUSINESS

### **Consideration of Approval – PURCHASE AND SALE AGREEMENT – BM Processor LLC**

### **Consideration of Approval – INTERGOVERNMENTAL AGREEMENT – City of Brush for purchase and sale agreement with BM Processors LLC**

Chair Teague stated that this matter and the Intergovernmental Agreement with City of Brush be combined for today's meeting with Commissioner Zwetzig updating the Board that the City of Brush is in agreement with the Purchase and Sale Agreement but there are still issues with the IGA, so would like to leave this matter on the table at this time.

## CITIZEN'S COMMENT

John Glenn, Morgan County Citizen, Glenn Cattle Company, located south of Fort Morgan, stated that Morgan County currently has a real problem with noxious weeds specifically in the borrow ditches. He stated he had John Crosthwait, Planning Administrator, look at the area he is speaking of and expressed his concerns about the noxious weed problem the County is experiencing. He asked if the County is to be taking care of these noxious weeds and wanted to know what can be done to try and resolve the issue. He named a noxious weed called common mallow which is of grave concern to him. Chair Teague stated that May 12, 2016, the Board will be meeting with NRCS to form a Weed Advisory Board and will keep Mr. Glenn apprised of this process. She stated the goal is to plan a county wide pest control district and understands the noxious weed issues are of concern and understand the County needs to work on the problem. Commissioner McCracken stated the County is required to maintain and control noxious weeds within the County right of ways, and this goal would be a district wide plan to cover the entire County overall.

John Crosthwait, Planning Administrator, stated he told Mr. Glenn he had his back and did meet with Mr. Glenn and observed some of the areas in question. He also spoke about the Planning and Zoning regulations that are very clear about noxious weeds and even names some of the different noxious weeds. He stated he also attempted to make contact with landowners in the area but some are what are called "absentee landowners" who do not reside here, and they are not as agreeable and cooperative as those who are physically living within the County. He feels with the absentee landowners, it may be necessary to follow a legal process in which noxious weeds are controlled.

Mr. Glenn asked the Board to not wait too long expressing his concerns about how big the problem is becoming and how it is affecting his grassland.

Commissioner Zwetzig stated this shows the need and importance of citizen participation for these types of issues occurring in the County and encouraged the County to attend the meeting on May 12, 2016.

Mr. Glenn spoke further about the various companies placing cable in the borrow ditches, expressing his concern about once they get four feet below the road, that becomes the landowners property, and asked if he has the right to impose charges for these types of services being conducted stating there are cables being placed in areas that he feels affects land he owns. He asked if he has the right to impose fees for these services being completed with Chair Teague stating she believes it is the County's responsibility for these rights of ways and imposing the fees. Commissioner Zwetzig stated it would be the landowners right to file a civil dispute if these companies should trespass onto the landowners private property but the right of ways are the County's responsibility and understands the issue with having too much infrastructure being placed in one area and stated he is not aware of any four foot rule that is in place. Discussion ensued in regards to the lack of care by the contractors and those placing the various types of infrastructure in these rights of ways.

Chair Teague explained that Mr. Goodman, Road Supervisor, does a very good job in inspecting the right of ways to ensure that the borrow ditches are returned to the condition in which they found them before completing the project and if Mr. Glenn should have any issues to please contact Mr. Goodman with his concerns. Chair Teague thanked Mr. Glenn for his comments and stated they will rectify what they are able to.

Being no further business, the meeting was adjourned at 9:40 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

**(Minutes ratified May 3, 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 Zwetzig, Commissioner

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(SEAL)  
ATTEST:

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Susan L. Bailey, Clerk to the Board

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