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BOARD OF COUNTY COMMISSIONERS Minutes of Meeting May 3, 2016

The Board of Morgan County Commissioners met on May 3, 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 Deputy Assessor Paul Vowell 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 26, 2016
Ratify the Board of County Commissioners approval of Lease 2016 CNT 068, FarmBoy Crossfit – Property located At 221 Main St, Wiggin CO, 80654, Term of Lease January 1, 2016 through December 31, 2016
Ratify the Board of County Commissioners approval of Contract 2016 CNT 069, Jacobs Engineering Group Inc, GIS development, Term of Contract April 15, 2016 through April 30, 2017
Ratify the Board of County Commissioners approval of Contract 2016 CNT 070, Fort Morgan Printing Inc, Tourism Advertisement printing, Term of Contract April 28, 2016 until completed
Ratify the Board of County Commissioners approval of Contract 2016 CNT 071, Haas Rock Publication, Tourism Advertising, Term of Contract April 28, 2016 through July 31, 2016
Ratify the Board of County Commissioners approval of Contract 2016 CNT 072, Bob Staley's Plumbing-Heating Air LLC, Fairgrounds Multi-Purpose AC Unit, Term of Contract March 22, 2016 until completed
Ratify the Board of County Commissioners approval for disposal of assets, (1) 1975 Ford 5000 Tractor
Ratify the Board of County Commissioners approval of assignment of debt collection to State Collections. Client #151917, #152103, #152150, #152215, #152239
Ratify the Board of County Commissioners approval of Department Meeting Minutes for the month of April 2016.
Ratify the Board of County Commissioners approval of Morgan County Fee Schedule; Fairgrounds – Second Event/weekend cleaning of arena prep fee
Ratify the Board of County Commissioners approval for the appointment of Dave Sharman to Morgan County Fair Board

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.

EMPLOYEE APPRECIATION AWARDS – 4th Quarter 2015 & 1st Quarter 2016

The Board recognized the following employees for their respective years of service to Morgan County:

***5 Years of Service**

4th Quarter 2015

Chad Nicaise (Patrol)
Jennifer McBride (Jail)
Kimberly Hazlett (Human Services)

1st Quarter 2016

Michael Ocanas (Solid Waste Department)
Glenda McNabb (Victims Assist)
Christina Orcutt (DHS)
Edward Araujo (Fleet)

***10 Years of Service**

4th Quarter 2015

Roxanne Trujillo (Treasurer)

1st Quarter 2016

Melissa Chavez (Jail)
John Goodman (Road & Bridge)

***15 Years of Service**

4th Quarter 2015

None

1st Quarter 2016

Stephen Kopetzky (Ambulance)

***20 Years of Service**

4th Quarter 2015

Ann Castrup (MSCO Admin)
Amy Stumpff (Human Services)

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1st Quarter 2016

Paul Vowell (Assessor)

John Kembel (Road Department)

***25 Years of Service**

4th Quarter 2015

Richard Early (Road & Bridge)

1st Quarter 2016

James Monroe (Fleet)

Sharon Ruyle (DHS)

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RIGHT OF WAY PERMIT - 2016 PMT 12 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2016 PMT 12, with Morgan County Quality Water District. Mr. Goodman stated this Right of Way Permit is for the purpose of installation of 4" PVC waterline along the West side of Morgan County Road 8 starting 1.26 miles, North of the North Frontage Road; North a distance of 6,097 feet; ending approximately at intersection of Morgan County Road T.7.

Commissioner Zwetzig made a motion to approve Permit 2016 PMT 12 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. Commissioner McCracken seconded the motion and motion carried 3-0.

Consideration of Approval – GRANT 2016 GRA 006 – State of Colorado Department of Local Affairs

Commissioner Zwetzig presented to the Board for approval, a Grant 2016 GRA 006 State of Colorado Department of Local Affairs. Commissioner Zwetzig stated this grant is between Morgan County and The State of Colorado Department of Local Affairs. Commissioner Zwetzig stated this was an award the County received in 2015 which covers approximately fifty percent of construction costs for the ambulance building in Brush, Colorado. He is hopeful the facility will be built by the end of this year and stated this facility will accommodate two full time 24/7 employees and will allow for two bays for storage of ambulance vehicles.

Commissioner Zwetzig made a motion to approve 2016 GRA 006 State of Colorado Department of Local Affairs Grant as presented by Commissioner Zwetzig stating the amount of the grant as being \$200,000.00 for the period ending April 30, 2018 and authorized the Chair to sign. Commissioner McCracken seconded the motion and thanked Commissioner Zwetzig for his time and efforts in receiving this grant. Discussion ensued with Commissioner Zwetzig stating the collaboration between the City of Brush as well as the School District in Brush has been beneficial. The motion then carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated April 29, 2016 May 10, 2016 with changes.

UNFINISHED BUSINESS

Consideration of Approval – PURCHASE AND SALE AGREEMENT – BM Processors LLC

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

Commissioner Zwetzig presented to the Board a Purchase and Sale Agreement with BM Processors LLC, this matter was tabled from the April 19, 2016 meeting. Commissioner Zwetzig stated he received a text from Monty Torres, City of Brush, in which stated he is meeting with the Mayor and discussions are being held at this time.

Commissioner Zwetzig stated he feels the Board could approve the purchase and sale agreement this morning and wait further on the Intergovernmental Agreement until the City of Brush is able to approve.

History- the County purchased property on the south side of the tracks in Brush known as the Rosewood Subdivision which some of the property had been sold to BM Processors LLC, and they are now wishing to purchase additional property and the County feels this will be an asset to the County in hopes it will add additional jobs for the facility and stated they have been very cooperative. He stated the County is happy to sell the property for this additional expansion and looks forward to the collaboration with this business in the future. He believes this will also assist in drainage issues in this area having this business collaborating with the County.

Commissioner Zwetzig made a motion to approve the Purchase and Sale Agreement with BM Processors LLC, as outlined by Commissioner Zwetzig contingent upon the proper language being received for the IGA with the City of Brush and authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

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Chair Teague stated the board will leave the matter of the Intergovernmental Agreement with the City of Brush on the table for a future date waiting for the appropriate language to be received.

LIQUOR LICENSES

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

Liquor or 3.2 Beer License Renewal – Liquor Store (County)

Licensee: Maaataseem M. Ibrahim dba W J Liquors

Operating Manager: Maaataseem M. Ibrahim

Morgan County Clerk and Recorder Susan Bailey presented to the Board a Liquor of 3.2 Beer License Renewal submitted by Maaataseem M. Ibrahim doing business as W J Liquors for a Liquor Store (county) license. Ms. Bailey stated that she has received the necessary documents and all fees have been submitted. She asked the Morgan County Sheriff's Department to report at which time Sheriff James Crone indicated he had nothing to report.

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 Store liquor license renewal for Maaataseem M. Ibrahim doing business as W J Liquors and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Liquor or 3.2 Beer License Renewal – Hotel and Restaurant (County)

Licensee: Danette L. Garlis dba Elaine's Place

Operating Manager: Danette L. Garlis

Morgan County Clerk and Recorder Susan Bailey presented to the Board a Liquor of 3.2 Beer License Renewal submitted by Danette L. Garlis doing business as Elaine's Place for a Hotel and Restaurant (county) license. Ms. Bailey stated that she has received the necessary documents and all fees have been submitted. She asked the Morgan County Sheriff's Department to report at which time Sheriff James Crone indicated he had nothing to report.

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

A motion was made by Commissioner McCracken to approve the Hotel and Restaurant liquor license renewal for Danette L. Garlis doing business as Elaine's Place and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

CITIZEN'S COMMENT

There were no citizen comments.

PUBLIC HEARING

APPLICANT: NATHANIEL MCCONNELL

Application for the vacation of County Road H right-of-way between Morgan County Road 34 and Morgan County Road 33, and as more specifically described as follows: Commencing at the intersection of Morgan County Road 33 and County Road H running east on the section line between Sections 27 and 34 to the intersection of Morgan County Road 34 and County Road H in the Township 2 North, Range 55 West of the 6th P.M., Morgan County, Colorado

The hearing was called to order by Chair Teague at 9:30 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chair Laura Teague, Commissioner James Zwetzig and Commissioner Brian McCracken. Also present were John Crosthwait, Planning Administrator and Nathaniel McConnell, the applicant.

Chair Teague asked Morgan County Planning Administrator John Crosthwait to present the file and invited the applicants to the front. Mr. Crosthwait stated he has two items to present this morning explaining he received an additional resolution for the Board to review. Chair Teague summarized that Mr. McConnell has asked the County to vacate a right of way so he is able to build a fence and be able to utilize this property all the way up to the section line. Chair Teague stated originally it was thought to approve a resolution vacating this right of way but are now looking at considering two different things, consider a vacation of the right of way or review the option to enter into a license agreement which would close the section line versus vacating the section line. Commissioner Zwetzig stated that after discussions with the County Attorney it was advised to retain right of ways and the possibility to enter into a licensing agreement with the landowners so the right of way would remain but be closed until further use may be necessary. At this time Chair Teague asked Mr. McConnell if he wished to speak.

Nathaniel McConnell stated his name and address as being 30026 Highway 71, Snyder, Co, and further indicated that he and Mr. Stanley Prather have spoken regarding this section line. He stated that he would like to fence his entire property and looks at it from the standpoint that this area is not utilized much given it is very sandy and it would require a four wheel drive to be able to travel on this trail in most circumstances. He stated that when he visited with his neighbor, Stanley Prather that there was no concerns mentioned about moving this line and has also spoken with surveyors who have indicated there are stakes on both sides of the county roads so as far as placing the line in this location, there should be no issues. He stated he brought this matter to the BOCC asking for a resolution

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given he had already spoken with the neighbor who had not expressed any concerns. He explained the "trail" is basically between Prather's and himself and does not see any reason for any landowners needing to use this area other than possibly hunters who do not have permission to be on his property.

At this time, Chair Teague opened the matter for public comment with no comments. Commissioner Zwetzig asked Mr. Crosthwait to present the resolution regarding the revocable license agreement which he received this morning. Mr. Crosthwait stated this resolution basically provides both Mr. McConnell and Mr. Prather the ability to construct a fence and the property to the north would enjoy the use of 30 feet of the right of way and the other 30 feet south of the right of way. He stated it does include a lot of legal language which would basically grant the right of way to both property owners and they would be allowed to construct a fence and gate on the section line and it would be for a term of one year with automatic renewals. He explained the County does enjoy the rights and if this area would be required to be utilized in the future, the property owner would then be required to move their fence within a period of time as outlined in the resolution. He also explained the County would be indemnified from any legal issues and stated the County would retain the right of way for any future use as necessary. He stated he believe the Board should review this resolution further. Commissioner McCracken asked Mr. McConnell if he would be interested in being issued a licensed agreement rather than vacating the right of way. Discussion followed with Commissioner Zwetzig stating that in the past there was a statute which allowed counties to create roadways on any section line if adopted by resolution with Morgan County following this statute and did in fact do this. He stated that if the County Commissioners should receive a request to open the road, the road could then be opened due to that request being made.

Mr. Prather stated the property has been in his family since 1957 and as far as he can recall it has always been a trail, with Commissioner Zwetzig stating it may be best to leave the area considered closed rather than vacated given in the future it may be at the advantage of the landowners to open the road, and feels it is totally appropriate to grant the license to allow the applicant to fence the area and utilize it for their personal needs. Commissioner Zwetzig stated it is an established road and feels it is more prudent to not abandon those rights and to allow the license agreement.

Chair Teague suggested that given the Board just received the resolution this morning and the fact it requires the signatures of both landowners whose names are listed on the deeds of the property as well as the Commissioners, and feels that this be taken into consideration.

Commissioner Zwetzig asked to hear from both parties who are present with Mr. McConnell stating he is willing to agree to this agreement and Mr. Prather had no comment.

A motion was then made by Commissioner Zwetzig to approve the revocable license agreement with Nathaniel and Nolan McConnell, Stanley and Kathy Prather in regards to the portion of Morgan County Road H within Morgan County Colorado as requested by Nathaniel McConnell. Commissioner McCracken seconded the motion and motion carried 3-0.

Chair Teague stated the Board will sign the document and will then require the landowners notarized signatures on the document as well. Mr. McConnell asked if it will be required to be signed annually with the Commissioners explaining it would not require an annual signature but it will provide the landowners with the ability to request from the County to open this area as a roadway.

Being no further business, the meeting was adjourned at 9:47 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified May 10, 2016)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)
ATTEST:

s/ Susan L. Bailey
Susan L. Bailey