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BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

August 18, 2015

The Board of Morgan County Commissioners met on Tuesday, August 18, 2015 at 9:04 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 Morgan County Treasurer Robert Sagel to lead the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Contract 2015 CNT 135, MJ's Garage Services, repairs to Justice Center, Term of Contract July 24, 2015 until complete
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 136, NE Colorado Cellular, Inc DBA Viero Wireless, Internet Services Term of Contract August 17, 2015 through August 16, 2016
- Ratify the Board of County Commissioners approval of Contract 2015 CNT 137, ALSCO-Denver Industrial, Laundry Services, Term of Contract September 1, 2015 through August 31, 2016
- Ratify Chairman Brian McCracken's signature approving the Morgan County Sheriff's Office Victim Assistance Grant Renewal, Term of Grant January 1, 2016 through December 31, 2016
- Ratify Chairman Brian McCracken's signature approving the Department of Human Services Community Services Grant Application, Trials and Tribulations of Adoption dated August 15, 2015
- Ratify the Board of County Commissioners appointment of James P. Zwetzig as the 2015 Legislative Committee Member
- Ratify Board of County Commissioner approval of Morgan County Warrants for the month of July 2015
- Ratify Chairman Brian McCracken's signature approving the assignment of debt collections to Central Collection Services for Client #12139, #142047A and #142316
- Ratify Commissioner Laura Teague's signature approving Recycling Rebate Application

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 – RESOLUTION NO. 2015 BCC 24 – Cancel Property Taxes

RESOLUTION NO. 2015 BCC 24

A RESOLUTION TO CANCEL PROPERTY TAXES ON REMOVED, DESTROYED, OR ABANDONED REAL PROPERTY AND PERSONAL PROPERTY

WHEREAS, pursuant to C.R.S. § 39-10-114(2)(a), Morgan County may cancel any taxes levied on personal property, including but not limited to mobile homes, which are determined to be uncollectible after a period of one year after the date of their becoming delinquent;

WHEREAS, pursuant to §39-10-113.5 (1), Morgan County may cancel any taxes levied upon improvements that have been valued and taxed separately from land, the treasurer of the county in which such taxes are delinquent may proceed to collect such taxes pursuant to the provisions of sections 39-10-111, 39-10-112, and 39-10-113 as if such improvements were personal property. The provisions of this section shall not apply to mobile homes, improvements other than buildings on land that is used solely and exclusively for agricultural purposes, and water rights, together with any dam, ditch, pipeline, canal, flume, reservoir, bypass, conduit, well, pump, or other associated structure or device, as defined in article 92 of title 37, C.R.S., being used to produce water or held to produce or exchange water to support uses of any item of real property specified in section 39-1-102 (14), including water rights used for agricultural purposes and;

WHEREAS, the Morgan County Treasurer has determined that certain properties more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Properties"), have been removed, destroyed or abandoned.

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

1. Property taxes on the Properties described in **Exhibit A** are uncollectable.
2. Property taxes on the Properties described in **Exhibit A** are cancelled.

APPROVED this 18th day of August, 2015.

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

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

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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

Morgan County Treasurer and Public Trustee Bob Sagel presented to the Board for approval the draft of Resolution 2015 BCC 24, a Resolution canceling property taxes. Mr. Sagel stated that he has annually been presenting to the Board taxes that he recommends to be cancelled and removed from the tax roles for various purposes. He further explained there have been three mobile homes that have been removed and destroyed as well as some personal property, Stelera Advanced Wireless, which was fought in bankruptcy court in Oklahoma, and he further indicated the outcome of that hearing. He believes the information may have been misreported for the one listed for Grand Mesa as this is not located in Morgan County. He further stated there was one for state lands which the improvements have been removed and the final being one that he is not able to locate any further information. He recommended these taxes be canceled.

Commissioner Zwetzig made a motion to approve Resolution 2015 BCC 24 as outlined by Mr. Sagel. Commissioner Teague seconded the motion and motion carried 3-0.

Consideration of Approval – RIGHT OF WAY PERMIT – 2015 PMT 25 – Terry Musgrave

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2015 PMT 25 with Terry Musgrave. Mr. Goodman stated this is a Right of Way Permit for Wiggins Electric to trench across County Road 18 between County Road A and County Road D at 2614 County Road 18 for Terry Musgrave to provide electrical service to a shop located at this address. Mr. Goodman stated this is an unincorporated area of the County and traffic will not be affected. He has shown Mr. Musgrave how to appropriately backfill the area in question. Mr. Goodman stated the fees are attached in the amount of \$150.00 as necessary.

Commissioner Zwetzig asked that a measurement be provided to the County Information Systems Manager to reference for future use as to location of this cut. Mr. Goodman stated he would provide this information at the time of completion of the project.

Commissioner Teague made a motion to approve Right of Way Permit 2015 PMT 25 with Terry Musgrave as outlined by Mr. Goodman and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Consideration of Approval – RIGHT OF WAY PERMIT – 2015 PMT 26 – Morgan County Quality Water

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2015 PMT 26 with Morgan County Quality Water. Mr. Goodman stated this is a right of way to install new water service to 5515 County Road Q, Wiggins. He stated they will be digging on the north side, county right of way and will run this service to the residence located there. Mr. Goodman stated the fees are attached in the amount of \$50.00 as necessary.

Commissioner Teague made a motion to approve Right of Way Permit 2015 PMT 26 with Morgan County Quality Water as outlined by Mr. Goodman and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Commissioner Zwetzig reported that he attended a district meeting yesterday and the number of taps that have been issued this year was 80 compared to approximately 30 last year and the cost for a tap is \$22,500.00 plus the engineering fees.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Brittany Lewton, District Attorney for the 13th Judicial District presented to the Board her annual District Report introducing her new investigator, Jeff Houston. Ms. Lewton further reported she will be submitting her budget request for 2016 in the near future and wanted to brief the County further regarding some issues that have arisen. She indicated that the State is going to require law enforcement to maintain filings electronically and this will be implemented in July 2016 which will then prohibit the District Attorney's office to charge for discovery. She stated her office does seem to be better situated than others, and stated they are only making approximately \$50,000 at this time annually for discovery. She further stated the 2016 budget will reflect \$25,000 revenue for discovery for half the year. She is not able to quantify how this will affect their office and they are working towards upgrading their computer systems and servers at this time. She summarized the reasons for this discovery issue to have come into effect and how it will affect the different areas regarding technology across the 13th Judicial District. She stated the State will fund through the District Attorney's Council to assist with costs in upgrades to the technology needs in the district. She summarized how the discovery will then be provided electronically to the various agencies requesting

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the information. She also stated Colorado is the test State at this time and she wanted the Board to be aware of this upcoming change. She does believe that the office located in Fort Morgan may not see any issues as she feels that bandwidth and the technology seems to be appropriate. She also stated that she does not believe she will be filling the vacancy she has at this time resulting from Investigator Copley's resignation not only for vacancy savings but other reasons as well. She stated that she believes there needs to be some time to train staff before she is able to fill this position. She stated she is not going to fill an attorney vacancy, again for vacancy savings. She explained that there has been a fellowship program created, summarizing that six graduates of CU Denver were provided and the 13th Judicial District was chosen to have one of these graduates to be employed in her office and the State will be responsible for compensating her and the only costs to the district will be office space and materials.

She further stated that she understands the Commissioner's budgetary restraints and stated she does not believe she will be asking for any additional funding. She stated that Logan County and Morgan County numbers and statistics have remained the same. She further summarized pending and current cases regarding the more serious offenses.

Commissioner Teague asked about the status of the death penalty case in Logan County with Ms. Lewton explaining the Public Defender and outside agencies feel they are either uneducated or afraid to do things and feels they honestly try to bully her. Ms. Lewton further explained that the male party involved will be mandated to serve life in prison. She further summarized the plan of action she has taken as to filing the death penalty sentence notice and they followed this all the way through, explaining the number of motions that were filed. In the end the gentleman took life in prison without the possibility of parole which occurred ten months after the date of offense. In the female's party, they did settle the case and explained she was sentenced to 80 years in two consecutive sentences which will make her age in the mid-sixties before she is eligible for parole. She explained that she followed this process to prove this area can pursue what is necessary in any serious case.

She further summarized other pending legislative matters that are being introduced in 2016. She also spoke about the increased costs for health insurance benefits explaining she is trying to maintain a level that does not create a budgetary increase stating she does ask her staff if they would prefer to retain insurance coverage or be compensated in salary with her staff always expressing the desire to maintain insurance coverage. She stated she does plan to move some things around within her budget so it does not create any request for an increase in her budget plan for 2016. Ms. Lewton stated she has almost no turnover explaining she has attorneys with no less than five years and also has seasoned staff that has remained employed with her.

Commissioner Zwetzig stated that the CCI Steering Committees have looked at supporting legislation for possible funding of the Assistant to the District Attorney as well as possibly assisting with building costs. He asked which would be Ms. Lewton's preference as to which would be best. Ms. Lewton stated that the issue she sees is the fact the legislature is looking at starting the salary for a Deputy District Attorney at \$50,000 and further summarized the conversations the State has had regarding the District Attorney's salary and stated she honestly does not have a strong opinion feeling it would be nice the State to contribute to the County for building costs. Commissioner Zwetzig stated the point is it seems to be an unfair playing field, given the reduction of discovery fees is an unfunded mandate and that it should be pointed out so the taxpayers are aware of these situations. The defense attorneys are paid by the State and are compensated at higher salaries than those being compensated by the County.

Ms. Lewton further stated she understands the Commissioner's problem with building space and is willing to move out of the Justice Center if that should be required. She agreed with Commissioner Zwetzig in regards to the unfunded mandates and is willing to look at what she can do as to vacancy savings to help her budget move forward without requesting increases.

Ms. Lewton stated she will be emailing her budget request to the Commissioners and is more than happy to further discuss any other issues they may have. She spoke about the fact she has not seen an increase in crime regarding the legalization of marijuana in both Sedgwick and the Town of Log Lane but expects to possibly see an increase over time.

Commissioner Zwetzig spoke about the contribution the County currently makes to the District Attorney for Morgan County with Ms. Lewton stating it is the highest amongst all the County contributions. He asked how that relates to the contribution the State makes to the Public Defenders with Ms. Lewton stating they provide a much higher compensation than what she has ever been able to receive at the County level. Commissioner Teague feels that this issue needs to be an awareness that all citizens understand and the fact the County is limited to revenues given TABOR and the fact that the County is unable to even keep up with county salaries at this time given the limitations they have.

Commissioners reviewed the calendar dated August 14, 2015 through August 25, 2015 with changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT PERIOD

There were no citizen comments.

PUBLIC HEARING

Application for Replat of Lot 4 in the Valley View Minor Subdivision located in the Northwest Quarter of Section 27, Township 4 North, Range 57 West of the 6th P.M. Morgan, County, Colorado

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APPLICANT: TRAVIS OCANAS AND TERI LAPP
LANDOWNERS: TRAVIS OCANAS AND TERI LAPP

At this time, Chairman McCracken moved into the Public Hearing portion of the meeting explaining there is no need to recess at this time. He read aloud the public hearing information explaining that this matter had been tabled from last week's meeting regarding the road having been in the wrong place and the fact it was necessary to receive a survey that indicates the correct placement of the road. Present were Chairman Brian McCracken, Commissioner Laura Teague and Commissioner James Zwetzig in attendance. Also present were John Crosthwait, Planning Administrator.

Mr. Crosthwait presented the revised plat which shows the road as constructed and outlined the changes that have been made as requested. Discussion followed with Commissioner Zwetzig stating it should be noted that the Lots have been indicated as Lot 4a and Lot 4b and the fact the plat now indicates where the road is located, the road is not being dedicated and the 30 foot easement having been dedicated to the County in 2006. Mr. Crosthwait believes that the surveyor has complied fully with the Board of County Commissioner's request. Commissioner Zwetzig asked that the landowner meet with Mr. Dick Early, Bridge Supervisor, in regards to the driveway access and ensure that the County receives the appropriate documentation in regards to the driveway access.

Commissioner Zwetzig also noted that the Board is asking the Planning Commission to look at the rules and regulations regarding four lot subdivisions and clarify the rules as to minor subdivisions that could be more than four lots. Mr. Crosthwait stated he will work further with legal counsel to get the rules and regulations clarified as to what should occur with a minor subdivisions that would create more than four lots.

Commissioner Zwetzig also noted the County did not receive any objections to the creation of the additional lot in this subdivision, only the concerns about the access to the lot, and feels they have served the needs of the neighborhood appropriately. Ms. Lapp stated that she had nothing further to add.

Commissioner McCracken opened the matter for public comment with no comment. He then moved into discussion and decision.

RESOLUTION **2015 BCC 23**

A RESOLUTION TO REPLAT LOT 4, VALLEY VIEW MINOR SUBDIVISION LOCATED IN THE SE1/4NW1/4 OF SECTION 27, TOWNSHIP 4 NORTH RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, on August 11, 2015 the Board of County Commissioners of Morgan County, Colorado held a public hearing pursuant to the Morgan County Zoning and Subdivision Regulations on the application of Travis Ocanas and Teri Lapp for Replat of Lot 4 of the Valley View Minor Subdivision located in the SE1/4NW1/4 of Section 27, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, and

WHEREAS, the notice of the public hearing was properly published and all other notices and posting requirements were made, and

WHEREAS, the Board of County Commissioners received testimony from the applicants, and

WHEREAS, the Morgan County Planning Commission held a properly noticed and published public hearing on the application of Travis Ocanas and Terri Lapp where they received public comment and recommended approval, and

WHEREAS, the Board of County Commissioners received testimony from the Planning Administrator who recommended approval of the application.

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

1. The application of Travis Ocanas and Terri Lapp for Replat of Lot 4 of the Valley View Minor Subdivision located in the SE1/4NW1/4 of Section 27, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado is hereby granted.
2. The permit is in conformance with the Morgan County Comprehensive Plan, being Zoned "A" Agriculture.
3. All applicable design standards have been met. The County Commissioners retain continuing jurisdiction on the issue of design standards.
4. All onsite and offsite impacts have been satisfactorily mitigated by the terms and conditions of this permit.
5. The replant is compatible with the surrounding uses.
6. It is in the best interest of the public health, safety, and welfare to grant this application.
7. There is a public need for the project.

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8. All present, past and future drainage problems on this site are the responsibility of the applicants and their successors in interest and not that of Morgan County.
9. As a condition of the approval of this application, Lot 4 of the Valley View Minor Subdivision shall be divided into two lots; Lot 4a shall contain 16.566 acres, and Lot 4b shall contain 5.883 acres.
10. The applicants are required, as a condition of this permit, to furnish any purchaser or other successor in interest to any lot in this subdivision with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96 BCC 41 on July 23, 1996, and the Receipt of Understanding of said policy. The Policy and Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property to any purchaser or other successors in interest.
11. All information submitted by the applicants in their application and recorded plat is part of the approval of this subdivision and all terms, conditions, and information submitted shall be strictly adhered to.
12. The applicants shall be responsible for complying with all foregoing requirements and conditions of this permit. Noncompliance with any of the foregoing may be reason for revocation of this permit by the Board of County Commissioners after notice to the applicants or their successors in interest and hearing

DATED this 18th day of August, 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

(SEAL)

ATTEST:

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

Commissioner Zwetzig made a motion to approve Resolution 2015 BCC 23 as outlined by Mr. Crosthwait. Commissioner Teague seconded the motion and motion carried 3-0.

There being no further business, the meeting was adjourned 9:48 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified August 25, 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

(SEAL)

ATTEST:

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

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