

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting April 10, 2018

The Board of Morgan County Commissioners met Tuesday, April 10, 2018 at 9:07 a.m. with Chair Pro Tem Laura Teague and Commissioner Zwetzig in attendance with Chairman Mark Arndt absent. Chair Pro Tem Teague asked Susanne Brown, Child Welfare Intake Unit Manager, to lead the meeting in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Commissioner Zwetzig made a motion to adopt the agenda as presented, with Chair Pro Tem Teague seconding the motion. Motion carried 2-0.

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of meeting minutes dated March 27, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 091, MJ Garage Door Service, replace fleet overhead door opener, Term of Contract March 21, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 092, KUVU Jazz/Rocky Mountain PBS, lodging and tourism advertising, Term of Contract March 22, 2018 through June 9, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 093, Longmeadow Game Resort and Event Center, lodging and tourism advertising, Term of Contract March 20, 2018 through August 6, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 094, Colorado Cotton Mine, lodging and tourism advertising, Term of Contract April 1, 2018 through April 30, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 095, Family Resource Center, Sterling CO, provide child welfare services, Term of Contract February 5, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 096, NJC Young Farmers, pedal tractor pull for County Fair, Term of Contract March 28, 2018 through August 8, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 097, Heavy Equipment Training Advantage, motor grader operator training, Term of Contract March 20, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 098, Marla Dickson (Vancil Gravel Pit extraction), Term of Contract May 1, 2018 through April 30, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 099, ERI Direct, electronics recycling, Term of Contract January 1, 2018 through December 31, 2018
- Ratify the Board of County Commissioners approval on Memorandum of Understanding 2018 MOU 02, with the State of Colorado and Town of Log Lane, pave the north frontage road located at I-76 and Highway 144, signed on March 22, 2018
- Ratify the Board of County Commissioners signatures on Resolution 2018 BCC 13 to adopt the new FIS and FIRM maps and amendments to various sections to the floodplain regulations approved at the March 27, 2018 public hearing
- Ratify the Board of County Commissioners signatures on Resolution 2018 BCC 14 to amend certain sections to allow for use of property by oil and gas operations approved at the March 27, 2018 public hearing
- Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #172303
- Ratify Chairman Mark Arndt's signature for assignment of debt collection to Wakefield and Associates for Morgan County Ambulance Service client #120406B
- Ratify Chairman Mark Arndt's approval of the Veterans Affairs report for the month of March 2018
- Ratify Chairman Mark Arndt's approval of the Stormwater Inspection Form dated March 28, 2018
- Ratify Chairman Mark Arndt's signature on the engagement letter with Michael Schreiner, LIC. Appraiser to appraise Morgan County property located at 623 Edison Street, Brush CO 80723
- Ratify Chairman Mark's Arndt's signature on the Morgan County Public Trustee report dated for January 2018 through March 2018
- Ratify the Board of County Commissioners approval of waiver of fairground fees for the Morgan County Farm Bureau

Chair Pro Tem Teague noted that two items on the Consent Agenda are not completed and asked that those be removed and approved at a later date, mentioning Item #1, the approval of the meeting minutes dated March 27, 2018 and Item #12, the ratification of the Board of County Commissioners signatures on Resolution 2018 BCC 13 to adopt the new FIS and FIRM maps and amendments to various sections to the floodplain regulations approved at the March 27, 2018 public hearing.

Commissioner Zwetzig made the motion to approve the consent agenda with the removal of items #1 and #12 and asked that item #18 be held for further discussion. Chair Pro Tem Teague seconded this motion and motion carried 2-0.

Commissioner Zwetzig explained that Item #18, which indicates the ratification of Chairman Mark Arndt's signature on the engagement letter regarding property located at 623 Edison Street, the Board is asking that this property have a market analysis so the County can place this property for sale at marketable value, stating this is the location of the old ambulance building. He stated he wanted to be sure this was mentioned and public notice has been given. Commissioner Zwetzig made the motion to approve Item #18 at this time. Chair Pro Tem Teague seconded the motion and motion carried 2-0.

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GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RIGHT OF WAY - 2018 PMT 12 – Select Energy

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 12, with Select Energy. Mr. Goodman stated this right of way permit is to trench across County Road 4 (Road Segment 2800), starting south of Weld County Road 74/Morgan County Road KK in the west Right of Way of County Road 4 at approximately 40.523681 – 104.070502 trenching across to the east Right of Way of County Road 4, for the purpose of installing a temporary culvert for a duration of up to 180 days. He stated the fees are attached in the amount of \$150.00 and the location has been inspected.

Chair Pro Tem Teague asked about this culvert being removed when they are completed, and asked what that will do the land below if there was a large rainstorm, with Mr. Goodman stating that it should not cause any issues given the location of the culvert being removed. Chair Pro Teague stated she wants to ensure that removing the culvert does not create damage to any owners that may be located downside of this area with Mr. Goodman stating that this is a dead basin and this will not create any issues and explained that this culvert will be used as a conduit, not for drainage. Dead basin, dead drainage as explained by Mr. Goodman means that the water does not go anywhere.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 12, with Select Energy as outlined in the narrative of the permit noting the fees in the amount of \$150.00 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Chair Pro Tem Teague seconded the motion. At this time, the motion carried 2-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 13 – Xcel Energy

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 12, with Xcel Energy. Mr. Goodman stated this right of way permit is to bore Yates Terrace/Morgan Heights (Road Segment 100), starting west of Reid Road at approximately 12 feet north of the south Right of Way of Yates Terrace boring south to the property line, for the purpose of extending gas service to residence. He stated the fees are attached in the amount of \$150.00 and the location has been inspected.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 13, with Xcel Energy as outlined in the narrative of the permit noting the fees in the amount of \$150.00 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Chair Pro Tem Teague seconded the motion. At this time, the motion carried 2-0.

Consideration of Approval – BID AWARD – RFP 2018-0315-001 Asphalt Paving Projects

Morgan County Public Works Director Bruce Bass presented to the Board for approval, the RFP 2018-0315-001 Asphalt Paving Projects. Mr. Bass stated the projects. One being Road 24 from Road W to Road Y, and the other being Road Q from Road 18.5 to County Road 21, were budgeted for the 2018 budget cycle. He further indicated there were eight bids received and outlined the total bids referencing both projects as follows: Brannan Sand and Gravel, LLC, Denver, CO in the amount of \$1,479,391.00, PLM Asphalt & Concrete, LLC, Aurora, CO in the amount of \$1,557,315.00, McAtee Construction DBA Simon, Sterling, CO in the amount of \$1,354,200.00, Apex Pavement Solutions, LLC, Golden CO in the amount of 1,460,394.00, Aggregate Industries – WCR, Inc., Golden, CO in the amount of \$1,543,930.00, Chavez Construction Inc., Littleton, CO in the amount of \$1,835,600.00, Rocky Mountain Excavation, Inc., Castle Rock, CO in the amount of \$1,424,725.00 and Martin Marietta Materials, Inc., Fort Collins CO in the amount of \$1,368,495.00. Mr. Bass stated the bids were estimated on the planned quantities and the total amounts could vary a bit. He outlined the budgeted amounts for each project. At this time, Mr. Bass recommended the bid be awarded to McAtee Construction DBA Simon out of Sterling, CO in the amount of \$1,354,200.00 for the planned quantities as specified in the bid. Mr. Bass noted that for Schedule 1, \$42,106 and \$55,832 based on planned quantities under budget.

Chair Pro Tem Teague asked if when the bid was written was it assumed that the bid would be awarded to one bidder with Mr. Bass stating yes, the bid was written to be all or nothing, and it is written in the bid due to budget constraints, if the bid does go over what was budgeted, they will start with the project lowest priority project and work backwards.

Commissioner Zwetzig asked when this project is to start with Mr. Bass stating the bid indicated they can start as early as May 15 and all must be completed by October 31, 2018. They allow the contractors to put their own schedule together and assumed they will precede with County Road 24 first and the overlay second. Commissioner Zwetzig expressed his concern about the traffic on the roadways in question and wants to be sure that communication has been made with those this will affect, naming the dairy and the school district. He wants to be sure there is a clear understanding so all knows what is happening. Mr. Goodman stated the road will be open at all times, that it would require traffic to slow down for the area for this project. Mr. Bass stated that they will be sure to plan a pre-construction meeting to ensure that this is done.

Commissioner Zwetzig noted that the County Road 24 project, an impact fee was collected from the dairy that will be put towards the amount of this project.

Commissioner Zwetzig made a motion to approve award the RFP 2018-0315-001 Asphalt Paving Projects to McAtee Construction DBA Simon out of Sterling, CO, in the amount of \$1,354,200.00 as recommended by Morgan County Public Works Director Bruce Bass and authorized the Administrative Services Manager to execute the necessary contract to be ratified at a later date. Chair Pro Tem Teague seconded the motion and motion carried 2-0.

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Commissioner Zwetzig mentioned the recent Alpine Guard exercise, the infrastructure team who were seated together naming the City of Fort Morgan, City of Brush and Morgan County and the fact that they will continue to meet and work collaboratively on future bid processes to possibly save on resources and costs.

Mr. Bass stated he felt they had a good day working together with the Public Works Directors and hopeful to have more communication between all the government entities in Morgan County and feels that will only benefit the County as a whole in doing so. He stated they had good discussions throughout the day and took it as a positive experience.

Consideration of Approval – BID AWARD – RFP 2018-0322-001 – Fuel Bid

Morgan County Public Works Director Bruce Bass presented to the Board for approval Bid Award RFP 2018-0322-001 fuel bid for the time period of April 1, 2018 through September 30, 2018 for all Morgan County sites. He stated the bid was written based on the daily rack average and what the delivery costs would be. Mr. Bass stated he received only one bid from Hill Petroleum. Mr. Bass summarized the proposed pricing per location. At this time Mr. Bass recommended that the Board award bid RFP 2018-0322-001 to Hill Petroleum. Total bid \$11,580.10 based on the total delivery of fuel and profit based on the averages for a six month period. He also noted that since they were the only bidder he did review the previous bids for several bid cycles in the past and these prices have been maintained at the same level by Hill Petroleum. He further stated this bid packet was sent to six companies, and this was the only response received and feels this is due to the fact the County requires fuel be delivered to all sites located in the County.

Commissioner Zwetzig made a motion to approve bid award RFP 2018-0322-001 Fuel Bid to Hill Petroleum as recommended by Morgan County Public Works Director Bruce Bass and asked that the Administrative Services Manager prepare the necessary contract. Chair Pro Tem Teague seconded the motion the motion carried 2-0.

Consideration of Approval – PROCLAMATION – Child Abuse and Prevention Month, April 2018

PROCLAMATION CHILD ABUSE AND PREVENTION MONTH APRIL 2018

WHEREAS, children are key to the state's future success, prosperity, and quality of life; while children are our most precious resource, they are also our most vulnerable;

WHEREAS, children have a right to thrive, learn, and grow to their full potential; and

WHEREAS, the prevention of child abuse and neglect strengthens Colorado's families and communities and ensures the opportunity for children to develop in healthy, trusting families, schools, and neighborhoods and where that consequently, builds the foundation of society; and

WHEREAS, Morgan County is currently implementing initiatives for improving the safety and well-being of children and families across Colorado; and

WHEREAS, we must come together as partners to keep children safe, ensure that the voices of our children are heard by all, and extend a helping hand to children; and

WHEREAS, each of us plays a role in the prevention of child abuse and neglect. We encourage anyone concerned about the safety and well-being to report to 1-844-CO-4-KIDS.

WHEREAS, I call upon all Morgan County community members to provide safe, stable, and nurturing relationships and environments for our children, free of violence, abuse and neglect, we can ensure that Colorado's children will grow to their full potential as the next generation of leaders, helping to secure the future of this community, state and nation; and

WHEREAS, Morgan County is dedicated to children and their health;

Therefore, the Board of County Commissioners, Morgan County, do hereby proclaim April 2018, CHILD ABUSE AND PREVENTION MONTH.

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

Absent

Mark A. Arndt, 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

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Morgan County Department of Human Services Intake Manager for Child Protection Services, Susanne Brown presented to the Board for approval and recognition the Proclamation proclaiming April 2018 as Child Abuse and Prevention Month. At this time, Ms. Brown read the proclamation aloud. Ms. Browne thanked the community for the support they receive from the community.

Commissioner Zwetzig made a motion to approve and recognize the Proclamation proclaiming April 2018 as Child Abuse and Prevention Month as presented by Morgan County Department of Human Services Intake Manager for Child Protection Services, Susanne Brown. Chair Pro Tem Teague seconded the motion and motion carried 2-0.

Commissioner Zwetzig thanked the Department of Human Services employees for their work and dedication to the youth in the community.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated April 6, 2018 through April 17, 2018 with changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT

Danette Martin stated she is here as the Director of Morgan County Communications Center to recognize 14 outstanding Morgan County employees. She read aloud information regarding an incident that occurred in the past indicating up until the late 1960's there was no centralized number for people to call for emergency services. About three years later, after the murder that she noted, it was recommended that citizens have a single number to call for help, and it was in 1968 that 911 was put in place as the number for citizens to call. On February 16, 1968, the first 911 call was made and the system was put in place. This year the 911 service recognized 50 years of service, and chose to come before the Board this week, April 8-14 is National Public Safety Telecommunications Week and asked the Board to recognize the 14 outstanding employees of the Morgan County Communication Center.

Ms. Martin indicated that in 2017, her staff entered 79,118 calls for service, total telephone calls, both incoming and outgoing as 86,368. Of those 62,546 were answered on non-emergent lines, 14,340 were outgoing calls made from the center, and 9,482 calls were received on 911 emergency lines with 90% of the emergent calls coming from cell phones, which she stated creates a challenge in itself.

She further stated the tribute which was written by Sgt. Walger of the Fort Bend County Sheriff's Office and shared with the Board a narrative called "The Sheriff Hired a Dispatcher".

She thanked the Morgan County Communications Center, and without these individuals she does not believe the law enforcement and the emergency responders could not do their job. She stated the thin gold line that represents dispatchers and asked the Board to take a moment out of their busy schedule this week and call the dispatchers and thank them. She stated they are the true first of the first responders stating these individuals have a stressful job and it takes skill to do the job and without them how would help find those in need.

She sincerely thanked her staff for all their hard work and on a personal note, for sending her family home safe.

Commissioner Zwetzig noted that it was not mentioned about delivering babies asking how many there have been, with Ms. Martin stating she remembers six calls, but for a total she would have to go back and research it. Commissioner Zwetzig stated the fact that women do better than men in this position with Ms. Martin stating that is a fact. Chair Pro Tem Teague noted that we have been very lucky in Morgan County and appreciates the staff and the leader at the Morgan County Communications Center for their service and dedication.

Ms. Martin provided the names and approximate years of service for each of her 14 employees.

PUBLIC HEARING

Chair Pro Tem Teague called the hearing to order at 9:45 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chair Pro Tem Laura Teague and Commissioner James Zwetzig in attendance with Chairman Mark Arndt absent. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry.

This application is for a conditional mobile home permit for the placement of a mobile home to be used as an agricultural office. The property is located in the E1/2 of Section 30, Township 4 North, Range 55W of the 6th P.M., Morgan County, Colorado: the property is on the south side of County Road U east of Highway 6, north of Brush in an unincorporated area of the County.

**Applicant: Richard V. Rhodes
Landowner: ICD Builders, Inc.**

Chair Pro Tem Teague asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

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Ms. Cherry stated that this application is for a Conditional Mobile Home Permit Application for the placement of a mobile home to be used as an agricultural office. The property is zoned "A" (agriculture production) and is 111 acres (parcel larger than 20 acres) where pursuant to Section 3-175(O) of the Morgan County Zoning Regulations mobile homes used for any purpose are required to obtain a conditional use permit. The property is located in the E½ of Section 30, Township 4 North, Range 55W of the 6th P.M., Morgan County, Colorado; the property is on the south side of County Road U just east of Highway 6, north of Brush in an unincorporated area of the county. The property has previously been known as the Sherwood Farm.

Ms. Cherry stated that ICD Builders purchased the property in August of 2017 to develop for agricultural purposes. The property has been issued Well Permit #307194 and will be on a septic system, access will be south off of County Road U and has been permitted by Road and Bridge.

Ms. Cherry explained the Criteria for review of a Conditional Use:

- A. The application documents are complete.
- B. The Site Plan was attached to the application.
- C. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure or upgrade by the County.
- D. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

Ms. Cherry stated that as of March 5, 2018 there have been two responses to the application. One, which did not identify himself, and was opposed as this application because the applicant had already moved the mobile home onto the site without permitting. The second thought the proposed location was not on the ICD property. The property is located in the floodplain and will be required to incorporate proper anchoring for the mobile home in compliance with the floodplain regulations. An application for a Floodplain Development Permit has also been submitted and will be reviewed upon completion of the Conditional Use process.

Ms. Cherry stated that on March 12, 2018 the Planning Commission heard the application and unanimously recommends approval of the Conditional Use subject to conditions:

- 1.) The applicant shall comply with the Morgan County Floodplain Regulations.
- 2.) Any future development shall be required to submit a land use application prior to any construction.
- 3.) Pursuant to Section 3-175(O) this shall be the only mobile home permitted on the property.

At this time, Chair Pro Tem Teague asked the applicant Richard V. Rhodes if he would like to speak. Mr. Richard Rhodes, address being 202 12th Street, Fargo, North Dakota indicated he had nothing further to add.

At this time, Chair Pro Tem Teague asked for any public comment with there being no public comment.

At this time, they moved into discussion and decision.

Commissioner Zwetzig asked Ms. Cherry about the call that she received about being opposed about the fact this was placed before the application was submitted, and asked if she felt it would not have been a concern if the application had been submitted prior with Ms. Cherry stating she did not think she could say that.

Chair Pro Tem Teague asked if it is a domestic well with Mr. Rhodes stating that is correct. Discussion followed in regards to the requirements being made of this applicant and Commissioner Zwetzig confirmed the location of this proposed site, with Mr. Rhodes stating the location and Ms. Cherry stated the setbacks have been verified by Morgan County Building Inspector Dustin Heid and that all property lines were verified as well.

Commissioner Zwetzig asked if a permanent structure will be placed with Mr. Rhodes stating they have quite a process to follow in regards to the LOMR process and that is why they developed the topography map. He stated he lives in Fargo, North Dakota and is familiar how to work with FEMA. Commissioner Zwetzig asked if Mr. Rhodes felt the regulations are over burdensome.

Mr. Rhoades spoke about Beaver Creek as it is not a liability but an asset and is watching closely the study being done and the suggestions that come from that stating any suggestions that come from that may be that of clearing down creek so the water will flow easily and is hopeful in the future he can develop this property as an asset, use it as a catch basin for flood water which is their broader scope. Commissioner Zwetzig mentioned the Board has met with FEMA and CWCB and this falls in line with what his experience has been and what he foresees as happening and stated he is glad he has that understanding and is working towards that.

Mr. Rhodes stated this is a unique situation that Beaver Creek owns the right of ways of the ditch all the way south of Brush and ICD Builders has 8 out of 24 shares so they are in a position they might be able to work with that trying to get everyone on the same understanding.

Chair Pro Tem Teague asked what the intent is to move the mobile home and replace with a permanent structure, with Mr. Rhodes stating the intent is to build a house there, but have a lot of work to do before that happens.

Commissioner Zwetzig made a motion to approve the application for a Conditional Mobile Home Permit Application for the placement of a mobile home to be used as an agricultural office. The property is zoned "A" (agriculture production) and is 111 acres (parcel larger than 20 acres) where pursuant to Section 3-175(O) of the Morgan County Zoning Regulations mobile homes used for any purpose are required to obtain a conditional use permit. The property is located in the E½ of Section 30, Township 4 North, Range 55W of the 6th P.M., Morgan County, Colorado; the property is on the south side of County Road U just east of Highway 6, north of Brush in an unincorporated area of the county. The property has previously been known as the Sherwood Farm. Commissioner Zwetzig noted the Planning Commission unanimously approved this request and further stated that the

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recommended conditions be followed and directed staff to prepare the necessary resolution to reflect the Board's decision. Chair Pro Tem Teague seconded the motion and the motion carried 2-0.

Being no further business the meeting was then adjourned at 9:57 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified April 17, 2018)

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

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