

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting May 1, 2018

The Board of Morgan County Commissioners met Tuesday, May 1, 2018 at 9:00 a.m. with Chairman Mark Arndt, Commissioner Laura Teague and Commissioner Zwetzig in attendance. Chairman Arndt asked Morgan County John LaPorte, Fort Morgan Times reporter, to lead the meeting in the Pledge of Allegiance.

At this time, Chairman Arndt asked those representing the media to introduce themselves. Zach Schwindt, introduced himself as a reporter for the Times and Brush Tribune, and recently was assigned the Commissioner meetings, and stated at this time, they are quite short staffed, and thanked the Board for having him here. John LaPorte, then introduced himself, stating he is retired from the Fort Morgan Times, and was recently asked to fill in for another reporter at this time.

ADOPTION OF THE AGENDA

Commissioner Teague made a motion to adopt the agenda as presented, with Commissioner Zwetzig seconding the motion. Motion carried 3-0.

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of meeting minutes dated April 24, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 107, Tomky Fish Farms, lodging and tourism print advertising, Term of Contract April 18, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 108, Rodeo News Magazine, lodging & tourism print advertising, Term of Contract April 24, 2018 through June 30, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 109, MJ Garage Service, replace spring on Weldona grader shed, Term of Contract April 17, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 110, MJ Garage Service, replace jackshaft opener at Fleet building, Term of Contract April 17, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 111, Windstead Construction, install floor tile in COMM center and patch floor, Term of Contract April 4, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 112, Winstead Construction, demolish clerk counters, flooring and repair walls, Term of Contract April 2, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 113, Winstead Construction, repair drywall in Probation/ JC, Term of Contract April 5, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 114, Winstead Construction, repairs made in Probation/ JC, Term of Contract April 2, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 115, McAtee Construction, asphalt for County Road 24 and County Road Q, Term of Contract April 10, 2018 until October 31, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 116, Hill Petroleum, fleet fuel for County, Term of Contract April 1, 2018 through September 30, 2018
- Ratify the Board of County Commissioners approval on the letter to the City of Fort Morgan to waive the annexation impact report for the Keith Bath annexation
- Ratify the Board of County Commissioners approval on the letter to the City of Fort Morgan to waive the annexation impact report for the Fort Morgan Farms LLC annexation
- Ratify the Board of County Commissioners approval on the letter to the City of Fort Morgan to waive the annexation impact report for the Fort Morgan Farms V annexation
- Ratify the Board of County Commissioners approval of assignment of debt collections to State Collections, client #171014, #170127

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

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RIGHT OF WAY - 2018 PMT 15 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 15, with Morgan County Quality Water District. Mr. Goodman stated this right of way permit is to trench and bore in east right of way of County Road 15, bore under County Road 15 (all in Road Segment 700), starting approximately 1,100 feet south of County Road S in the east right of way of County Road 15 trenching a 4 inch C900 DR 14 PVC pipe north, boring under concrete irrigation ditch and then again trenching 325 Feet. Also beginning at a location 840 feet south of County Road S in the east right of way of County Road 15, boring west under County Road 15 ending in the west right of way of County Road 15, for the purpose of installing a new water service. He stated the fees are attached in the amount of \$182.50 and the location has been inspected.

Commissioner Teague asked if Western Sugar is permitted on the east side of County Road 15, with Mr. Goodman stating he believes it is permitted on the west side. Commissioner Zwetzig stated there are existing Quality Water lines on both sides, and the Board also permitted Quality Water on the north side of County Road S previously.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 15, with Morgan County Quality Water District as outlined in the narrative of the permit noting the fees in the amount of \$182.50 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Commissioner

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Zwetzig seconded the motion. Commissioner Zwetzig made note to amend the motion to indicate on the permit to indicate bore/trench in lieu of bore only with Commissioner Teague agreeing to the amendment. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 16 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 16, with Morgan County Quality Water District. Mr. Goodman stated this right of way permit is to bore under County Road 13.5 (Road Segment 500) starting at the intersection of County Road W and County Road 13.5 in the east right of way of County Road 13.5 connecting to the existing 8" AC main line boring under County Road 13.5 to the west property line, for the purpose of installing a new water service. 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 16, with Morgan County Quality Water District 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. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 17 – NE Colorado Cellular, Inc dba Viaero

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 17, with NE Colorado Cellular, Inc dba Viaero. Mr. Goodman stated this right of way permit is to trench and bore under County Road K (Road Segment 1100), starting approximately at 3,660 feet East of County Road 20 trenching east in the north right of way of County Road K for 1,150 feet then boring under County Road K to the south right of way of County Road K to the existing Verizon hand hole, for the purpose of installing fiber optics. He stated the fees are attached in the amount of \$265.00 and the location has been inspected.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 17, with NE Colorado Cellular, Inc dba Viaero as outlined in the narrative of the permit noting the fees in the amount of \$265.00 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 18 – NE Colorado Cellular, Inc dba Viaero

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 18, with NE Colorado Cellular, Inc dba Viaero. Mr. Goodman stated this right of way permit is to trench and bore under County Road 27 (Road Segment 700), starting in the west right of way of County Road 27 north of the north I-76 off ramp at Hospital Road/County Road 27 trenching 1,060 feet in the west right of way of County Road 27 then boring under County Road 27 to the east right of way, for the purpose of installing fiber optics. He stated the fees are attached in the amount of \$256.00 and the location has been inspected.

Commissioner Teague asked if this will be attaching a line, with Mr. Goodman stating it is a line going to the cell tower.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 18, with NE Colorado Cellular, Inc dba Viaero as outlined in the narrative of the permit noting the fees in the amount of \$256.00 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 19 – NE Colorado Cellular, Inc dba Viaero

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 19, with NE Colorado Cellular, Inc dba Viaero. Mr. Goodman stated this right of way permit is to trench and bore under County Road S (Road Segment 2000, 2100, 2200) trench and bore under County Road 24 (Road Segment 700, 710), starting at the intersection of County Road 24 and Highway 34 on the north side of Highway 34, trenching south in the west right of way of County Road 24 2,225 feet ending south of the ditch/bridge located at County Road S, then boring from north side of the ditch/bridge in the west right of way of County Road 24 parallel to south side of County Road S, 75 feet to the east right of way of County Road 24, then starting on the east side of County Road 24 in the south right of way of County Road S trenching 5,150 feet ending in the west right of way of County Road 25, then bore under County Road 25 in the south right of way of County Road S to the east right of way of County Road 25, then bore north under County Road S to the north right of way of County Road S, then trench east in the north right of way of County Road S for 2,650 feet ending in the east side of the canal/ditch, then bore in the north right of way of County Road S under the canal ditch for the distance of 150 feet ending on the east side of the canal/ditch, then trench in the north right of way of County Road S for 2,275 feet ending at the west end of the residence, then bore in the north right of way of County Road S under the residence driveway for 115 feet ending on the east side of residence driveway, then bore in the north right of way of County Road S under County Road 26 to the west right of way of County Road 26, then bore in the north right of way of County Road S for 660 feet to the west side of Brush City limits, for the purpose of installing fiber optics. He stated the fees are attached in the amount of \$1,822.50 and the location has been inspected.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 19, with NE Colorado Cellular, Inc dba Viaero as outlined in the narrative of the permit noting the fees in the amount of \$1,822.50 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

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Consideration of Approval – Void and refund of Right of Way Permit 2017 PMT 18 NE Colorado Cellular, Inc dba Viaero

Morgan County Road Supervisor John Goodman presented to the Board for approval, a void and refund of Right of Way Permit 2018 PMT 18, with NE Colorado Cellular, Inc dba Viaero. Mr. Goodman stated he spoke with Ron Christensen, representing Viaero, who has stated they will not be completing this project so has requested this permit be voided. Commissioner Zwetzig stated he does not have any issue with voiding the permit, but does not believe the County should refund all of the fees given the time spent by County personnel to prepare the permit. Commissioner Teague indicated the completion aspect of the permit has not been completed. Chairman Arndt indicated the permit itself is silent in regards to any refunds being made. Commissioner Teague believes it should be noted and made “unsilent”, as to what is done in these types of situations and does not believe there were actual costs incurred by the County in the full amount of the permit. Chairman Arndt agreed there should be a true policy as to how these cases are handled and time tracking should occur as to what costs are incurred and is in favor of a full refund given the County does not have a true policy at this time. He then stated a motion would be in order to either deny the request for a refund, or a suggestible amount or a full amount is refunded.

Commissioner Teague made a motion to approve a void and refund the costs in full for Right of Way Permit 2018 PMT 18, with NE Colorado Cellular, Inc dba Viaero as presented by Morgan County Road Supervisor John Goodman and directed Commissioners to develop a policy as to how refunds will be handled in the future. Chairman Arndt seconded the motion. At this time, the motion carried 2-1 with Commissioner Zwetzig being the dissenting vote.

Consideration of Approval – Potential marketing of old Ambulance building located at 623 Edison Street, Brush, CO 80723

Commissioner Zwetzig presented to the Board a Potential marketing of old Ambulance building located at 623 Edison Street, Brush, CO 80723. He stated the ambulance service has moved into their new facility and the old facility is now vacant, it does belong to the ambulance enterprise fund, and a market analysis has been completed by a local appraiser and suggested that bids be received for up to 30 days, reserving the right to reject all offers given the County is required to sell property at reasonable and equitable cost. Commissioner Teague asked about the market analysis amount of \$42,600 being the amount that would be fair and equitable. Discussion followed that the process for bid will be posted in the newspaper and on the website.

Commissioner Zwetzig made a motion to offer the property through a bid process for 30 days and reserve the right to object all offers utilizing a sealed bid process for the old Ambulance building located at 623 Edison Street, Brush, CO 80723. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated April 27, 2018 through May 8, 2018 with changes. She indicated the meeting scheduled for this evening for the Judicial Task Force has been canceled.

Commissioner Zwetzig noted there has been a request from the Courts requesting additional space due to some larger trials that are scheduled asking for more space for jury selection and asked Undersheriff Martin if he was aware of the request with Mr. Martin stating he has not had any contact from the Courts.

Sheriff Crone expressed his gratitude to local law enforcement agencies for their assistance during a recent pursuit stating this demonstrates the cooperation between the local agencies to assist with an investigation as critical as this was. He further summarized what occurred that evening as to injuries and damage.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN’S COMMENT

There was no citizen comment provided.

Being no further business the meeting was then adjourned at 9:28 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified May 8, 2018)

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

s/Mark A. Arndt
Mark A. Arndt, Chairman

s/Laura D. Teague
Laura D. Teague, Commissioner

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s/ James P. Zwetzig

James P. Zwetzig, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey

Susan L. Bailey