

May 12, 2015

At a regular meeting of the Board of County Commissioner, Washington County Colorado, held at the Courthouse in Akron CO on the 12th day of May 2015, there were present:

Terry G. Hart, chairman	present
David Foy, commissioner	present
Lea Ann Laybourn, chairman pro-tem	present
Garland Wahl, clerk of the board	present
Peter 'Larry' Vana, county attorney	present

Invocation was given by Pastor Sue Spencer, First Presbyterian Church.

The pledge of Allegiance was recited by those present.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to approve the **Agenda with additions and changes**. Everything on the Agenda after 2:00 p.m. was cancelled so commissioners could go to Messex to view the South Platte River flood. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to approve the **Schedule of Bills for the County** from the General, Road and Bridge, Health Care, TV Translator, Landfill, and Justice Center, regular payables for May 12, 2015 with a value of \$245,851.12. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to approve the **Schedule of Bills for the Nursing Home** for May 12, 2015 with a value of \$13,713.75. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to approve the **Schedule of Bills for Pioneer Haven** for May 12, 2015 with a value of \$3970.39. On roll call vote, all votes being yes, the motion passed.

Val Foutz, **Zoning Official presentation:**

Road Cut/Right-of-Way Permit for Holtorf Incorporated tabled for further information.

Foutz presented Landfill reports for review.

Foutz received a call from Carol Pivonka, Planning and Zoning Director in Logan County inquiring about Washington County's policy and procedures for refunds on building permits.

Brenda Rhea, **Nursing Home Administrator**, reported there were 25 residents today. There were also four referrals.

I attended a meeting in Brush about a fall alarm system for the Nursing Home. Pioneer Haven is full and running well. Angie Morgan reviewed Rules for Pioneer Haven with the residents. I have staff members dealing with flooding and we are working with them as they clean up. Commissioner Foy asked if there are any papers about how Pioneer Haven is run that came with the facility when we took it over. Packer said there were none.

Rhea stated they received the income statement May 11<sup>th</sup> so it makes it impossible to get a financial report to the commissioners by the 10<sup>th</sup> of the month. Rhea said she could get the report as close to the 10<sup>th</sup> of the month as possible after the statement arrives. Commissioners are ok with that.

**Resolution 75-2015** It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to **appoint Jennifer Willeke to the Washington County Nursing Home Advisory Board and the Washington County Housing Authority Board** to fill the seat of Elva Masters.

WHEREAS, Elva Masters had resigned her position on the aforementioned Boards on December 17, 2014 via an email to Nursing Home Administrator Brenda Rhea, an

WHEREAS, Elva Masters was subsequently and incorrectly reappointed via resolution 15-2015 during the annual reorganization of Washington County on January 13, 2015, and

WHEREAS, it is the desire of the Board of County Commissioners to take action to replace Elva Masters with Jennifer Willeke on the aforementioned boards with Ms. Willeke's term ending January 2016. Said appointee shall serve at the pleasure of the Board and may be removed with or without good cause shown.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 12<sup>th</sup> day of May 2015 by Commissioner Laybourn who moved its adoption. The motion was seconded by Commissioner Foy and on roll call vote, all votes being yes, the resolution was adopted.

**Resolution 76-2015** It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to allow the Chairman to sign the **Declaration of Emergency for the 2015 Flood of the South Platte River** dated May 12, 2015 relating to the possible destruction of County infrastructure and the resulting economic loss of private property of the citizens of Washington County pursuant to Colorado Revised Statutes 24-33.5-709 et. seq. The Board directs that this Resolution be filed in the Washington County Clerk's Office in conjunction with the aforementioned Declaration.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 12<sup>th</sup> day of May 2015 by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Laybourn and on roll call vote, all votes being yes, the resolution was adopted.

**Resolution 77-2015** It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to authorize the Chairman of the Board to execute the **Intergovernmental Agreement and Addendum by and between the Town of Akron and Washington County** relating to a division of responsibility for the **maintenance of certain streets** within and without unincorporated Washington County so as to avoid any potential confusion as to which entity is responsible for which street pursuant to the terms as contained therein.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 12<sup>th</sup> day of May 2015 by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Laybourn and on roll call vote, all votes being yes, the resolution was adopted.

**INTERGOVERNMENTAL AGREEMENT**

WHEREAS, the **Board of County Commissioners of Washington County** (hereinafter sometimes referred to as the 'Board") and the **Town of Akron** (hereinafter sometimes referred to as the "Town") have the authority to enter into intergovernmental pursuant to C.R.S. 29-1-203; and

WHEREAS, pursuant to the Town's statutory authority, they have the right to annex parcels within unincorporated Washington County into the corporate limits of the Town; and

WHEREAS, heretofore there has been no uniform annexation **policy in relation to the roadways** adjacent to parcels being annexed into the Town from the County; and

WHEREAS, this has create unusual boundary issues in relation to uniform road maintenance in that the County is completely responsible for road maintenance in some areas, the Town is completely responsible for road maintenance in some areas; and the Town and County may be responsible for one-half of a roadway in other areas; and

WHEREAS, the Board and the Town are desirous of resolving the ambiguities that have been created in the past and setting forth in writing a joint policy for future annexations so as to avoid potential road maintenance and traffic regulation issues.

WITNESSETH:

NOW THEREFORE, the Board of County Commissioners and the Town of Akron hereby mutually agree as follows:

1. Within 90 days from the date of this Agreement and as often as may be necessary, the Road Supervisor from Washington County District 1 and the Public Works Director for the Town of Akron shall hold a joint meeting to make findings establishing the current boundaries of the Town and whether other boundary issues in relation to uniform road maintenance exist that should be addressed. At such joint meetings, any boundary issues shall be learly identified and recommended responsibilities for road maintenance and traffic signage shall be clearly established. The Town and the Board both agree to forthwith review any findings and recommendations and vote to accept, deny, or modify the proposed findings and recommendations from such joint meetings.
2. After roadway maintenance responsibilities are established pursuant to this Agreement or by any approved findings and recommendations from joint meetings set forth in Paragraph 1, the Board and the Town shall approve the maintenance agreements by official action on part of

both the Board and the Town. Once approved by both entities, the Town and the Board shall each individually bear complete fiscal responsibility for the road maintenance cost for those roads they maintain.

3. In relation to future annexations, the Town agrees to provide notice of pending annexations that affect the Board as required by Title 31, Article 12 of the Colorado Revised Statutes. Based upon the referral to the County as required by law, the County and the Town shall determine roadway maintenance responsibilities for such proposed annexation so that only one entity is responsible for the overall maintenance of the roadways adjacent to any proposed annexation. Such referral shall satisfy the requirements of C.R.S. 31-12-108.5 and the County will not require any further filings to satisfy the requirements of an annexation impact report.
4. The County is aware that C.R.S. 31-12-105(f) requires that if a municipality is going to annex a street or roadway, the municipality must annex the entire width of the street or roadway and cannot annex only a portion of the width. The Town hereby agrees to ensure that all future annexations comply with the requirements of C.R.S. 31-12-105(f). If the Town annexes a street or roadway, the Town shall be solely responsible for the maintenance for such street or roadway.
5. For those roadways where the Town has annexed to the centerline of the road the Town and the County will install signage where appropriate to provide uniform traffic regulation of said roadway.

IN WITNESS WHEREOF, THE BOARDS HERETO HAVE EXECUTED THIS INTERGOVERNMENTAL AGREEMENT on this 13<sup>th</sup> day of May 2015.

Signed: THE TOWN OF AKRON, COLORADO, A Colorado Statutory Town by George E. Reese, Mayor. ATTEST: ANNETTE BOWIN, CMC, Town Clerk/Administrator. Approved as to Legal Form: DENNIS L. BRANDENBURG, Town Attorney  
THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, COLORADO, Terry G. Hart, Chairman. ATTEST: GARLAND WAHL, County Clerk and Recorder. Approved as to Legal Form: PETER LAWRENCE VANA, III, County Attorney.

**ADDENDUM TO INTERGOVERNMENTAL AGREEMENT BETWEEN WASHINGTON COUNTY, COLORADO AND THE TOWN OF AKRON, COLORADO**

WHEREAS, Washington County and the Town of Akron have entered into an Intergovernmental Agreement regarding the maintenance and regulation of traffic on roadways bordering the Town; and

WHEREAS, said Agreement required the Washington County Road Supervisor and the Public Works Director for the Town of Akron to meet to make recommendations regarding maintenance fo the signage on said roadways which meeting was held on April 27, 2015 and recommendations were given to the County and the Town for approval.

NOW THEREFORE, the Board of County Commissioners and the Town of Akron hereby mutually agree as follows:

1. The following roadways shall be maintained by the Town of Akron and the Town of Akron shall receive all HUTF funding from the Colorado Department of Transportation for the maintenance thereof:

Grand Avenue from Fourth Street to County Road 41.5  
County Road 41.5 from Grand Avenue to County Road BB  
County Road BB from Fourth Street to County Road 41.5  
Itea Avenue from U.S. Highway 34 to Fourth Street  
County Road 40.5 from County Road DD to the Akron Wastewater Facility

2. The following roadways shall be maintained by Washington County an Washington County shall receive all HUTF funding from the Colorado Department of Transportation for the maintenance thereof:

Fourth Street from Itea Avenue to County Road DD

IN WITNESS WHEREOF, THE BOARDS HERETO HAVE EXECUTED THIS INTERGOVERNMENTAL AGREEMENT on this 13<sup>th</sup> day of May 2015.

Signed: THE TOWN OF AKRON, COLORADO, A Colorado Statutory Town by George E. Reese, Mayor. ATTEST: ANNETTE BOWIN, CMC, Town Clerk/Administrator. Approved as to Legal Form: DENNIS L. BRANDENBURG, Town Attorney  
THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, COLORADO, Terry G. Hart, Chairman. ATTEST: GARLAND WAHL, County Clerk and Recorder. Approved as to Legal Form: PETER LAWRENCE VANA, III, County Attorney.

**Chris Packer, County Administrator Report:**

- I have two Requests for Capital Purchase from Road and Bridge District #3. One request is for a WR90 Walk 'n' Roll packer/roller. The other is for a Bush Hog Back Blade.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to approve the **Request for Capital Purchase** for WR90 Walk 'n' Roll packer/roller at a cost of \$21,330 for **Road and Bridge District #3**. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to approve the **Request for Capital Purchase** for a Bush Hog Back Blade at a cost of \$4400 for **Road and Bridge District #3**. On roll call vote, all votes being yes, the motion passed. On roll call vote, all votes being yes, the motion passed.

- There is a company name change for Gas Drive Gobal the people that work on the fire suppression pump. I'll have the county attorney make a resolution showing the name change like he did for Jeff Jensen.
- We all looked at the Tri-State letter, including the county attorney, and missed that the Delivery Point is for a 5.4 MW oil and gas compressor station.

- Ambulance director education reimbursement needs to be discussed. A certain person thought that as he attended classes to become a paramedic his education costs would be paid for. He starts classes today in McCook, NE. and will have to do 480 hours of 'clinicals' to become a paramedic after he finished the classes. He can go to a place in Florida and get his 480 hours completed in one month which is what he is considering. The person is a paid volunteer with the ambulance service. He hasn't been offered a full time job by the ambulance director. Our policy for education financial help is that the person receives the money for so much time and guarantees to work for the county upon completion of the training classes. Packer said he has a copy of the education agreement that states the person has to be an employee and has to work for two years for the county. His training may cost up to \$23,000. Commissioners will talk to Tony Wells after the elected officials and department heads meeting today.

**Jon Stivers, Sheriff Report:**

- I have a list from Kubl of parts they recommend we have on hand for the doors at the Justice Center. Stivers stated that if there are funds left at the end of the year he would like to start purchasing some of the parts. It will run approximately \$3500. Kubl would like to set up an agreement to do so many doors a year which would amount to roughly \$1000 a month. Stivers said he would like to set up a savings account to work towards accomplishing this.
- Stivers would also like to set up a projection for ten years to set money aside for a control board and maintenance projects to keep things updated. The cost of a new control board would be \$16,000 plus \$5000 plus \$3500.
- Windows need to be replaced in the Justice Center.
- Stivers said he has two quotes for updating computer software for the Justice Center and Jail. The cost to replace the control board could be as much as \$24,500 a year. Billing is a problem right now. Everyone in W-Y Communications area has their own software. If we go with Morgan County when the communications center enters the documentation into the computer system everything is done. We don't have to reenter it. Stivers stated he uses the 911 communications center the most and he is tired of dealing with Yuma and Yuma County Commissioners.
- Body cameras bill passed through the senate. We as a county should look at budgeting for them. TASER has them for \$399 each. We'd have to buy licenses. They would have to be replaced every two years. Total cost would be around \$11,800 for 11 cameras. I'm looking at purchase plans and funding.
- The boiler fire suppression system is repaired and working.
- I'm working on prices for 'muffin' monster. I want to talk to the town about a ladder system they are using. Instead of getting a new system maybe we just put money into the town system.
- We will get the roof fixed. It is still under warranty.
- There is an area near the kitchen that I'd like to make into a training room. It could be used for classes for inmates, a chapel, and exercise room. I talked to parole and they have worked something out with Centennial Mental Health to do a program.

- Peggy Willeke's leaving will be a huge loss but we can put someone in her place. The Under Sheriff will be the jail commander and Amy Stivers will work for him. I will have only one Captain.
- I've had officers in the Messex area helping with the South Platte Flood. I have some suggestions I'd like to discuss when this is all over.
- We are averaging 150 to 155 inmates. The US Marshall will be here today.
- I will be leaving today for Fire training for three days in the Longmont/Boulder area.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to ratify the **signature of Terry G. Hart, chairman**, Washington County Colorado Board of County Commissioners on **Washington County's Responses to BNSF Railway Company's First set of Discovery** to Intervenor Washington County in the matter of the application of BNSF Railway Company for authority to alter a Highway-Rail Grade Crossing (DOT NO. 805294N) of CR 59, UPRR MR 76.72, and abolish the Highway-Rail Grade Crossing of CR P 5/10 (DOT No. 805295V), UPRR MP 76.07, on the Union Pacific Railroad Company Julesburg Subdivision at Messex, Colorado. (Docket No. 15A-0044R) and **BNSF Railway Company's Second Set of Discovery** to Intervenor Washington County in the matter of the Application of BNSF Railway Company for authority to alter a Highway-Rail Grade Crossing (DOT NO. 805294N) of CR 59, UPRR MP 76.72, and abolish the Highway-Rail Grade Crossing of CR P 5/10 (DOT NO. 805295V), UPRR MP 76.07, on the Union Pacific Railroad company Julesburg subdivision at Messex, Colorado that was sent from Assistant County Attorney, Madeline Meacham. On roll call vote, all votes being yes, the motion passed.

Present at the **Elected Officials and Department Heads Meeting** were: County Commissioners – Terry G. Hart, David Foy, Lea Ann Labyourn; County Clerk and Recorder – Garland Wahl; County Assessor – Larry Griese; Assistant to the Board of County Commissioners - Val Foutz; Road & Bridge District #3 Supervisor - Steve Williams; Ambulance Director –Tony Wells; Facilities Operations Manager - Jim McCracken; Nursing Home Administrator - Brenda Rhea; Financial Director - Donna Morris; County Attorney - Larry Vana; County Administrator - Chris Packer; and Area Director Golden Plains - Dennis Kaan. Commissioners had previously talked to Road & Bridge Districts #1 & #2, Jason Lockard, Sheriff Jon Stivers and Emergency Manager, Mike McCaleb.

Commissioners have requested a **flow chart showing chain of command and job descriptions** from each elected official and department head. They would like them turned in by the next elected officials and department heads meeting June 9, 2015. Job descriptions are to be turned into Val Foutz.

Commissioner Foy explained the job descriptions are for positions not employees and doesn't have to be detailed.

Attorney, Larry Vana, explained a reason for a job description is to have something in writing showing what a person's job entails so in the case of a worker's compensation claim a doctor would have something to look at to see if a person can go back to work. If there is nothing in writing then the doctor wouldn't know if he could release an employee.

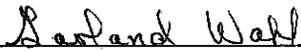
Clerk and Recorder Wahl stated she has job descriptions for positions in her office and as an elected official she thinks they should stay in her department and anyone that would like to see them should come to her department.

Attorney Vana explained that Washington County doesn't have the capability to have a personnel department because of its size.

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to go into a **Work Session** at 2:20 p.m. to attend Peggy Willeke Retirement Reception and drive to the northwest corner of Washington County near Messex to look at the flooding of the South Platte River.

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to go out a Work Session at 6:30 p.m.

There being no further business the meeting was adjourned.

  
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Garland Wahl, Clerk of the Board

  
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Terry G. Hart, Chairman Board of County Commissioners