

May 26, 2015

At a regular meeting of the Board of County Commissioner, Washington County Colorado, held at the Courthouse in Akron CO on the 26th 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

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to approve the **Agenda with additions and changes (switch time with Rhea and Sheriff)**. 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 the County** from the General, Road and Bridge, Health Care, TV Translator, Landfill, and Justice Center, regular payables for May 26, 2015 with a value of \$87,048.43. 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** regular payroll for May 2015 with a value of \$452,472.78. 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 26, 2015 with a value of \$9099.81. 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 26, 2015 with a value of \$941.95. On roll call vote, all votes being yes, the motion passed.

59 8h12m40

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to **enter into Executive Session** at 10:05 a.m. with the Sheriff for the purpose of receiving legal advice on specific legal questions 24-6-402(4)(b). On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Foy and duly seconded by Commissioner to **close the Executive Session** at 10:35 a.m. On roll call vote, all votes being yes, the motion passed.

Sheriff Stivers reported there is water leaking in the walls between his office and the Under Sheriff office. There is water leaking around some of the windows. Stivers stated a decision on what we are going to do about 9-1-1 dispatch will have to be made soon so they can decide what software to purchase for their computers.

Chris Packer, County Administrator Report:

- There were 35 requests for GOCO grants for this cycle and only 8 were approved. The GOCO grant for the new livestock building at the fairgrounds was denied.
- Packer said he talked to Jason Lockard about increasing the speed on County Road RR. Lockard doesn't think it is necessary to change the speed to 65 mph. He doesn't think the road is engineered for higher speeds. Commissioner Laybourn would still like to have the study done to see the number of vehicles and the speed they travel on that road. Commissioner Foy would like to see how many trucks and trailers travel that road. Foy would also like to see what the speed counts are from Highway 34 south to the Otis Cemetery.
- Jason Lockard turned in paperwork for Capital Purchases for Road and Bridge District # 1 and #2.
- We have the responsibility of putting in the 'T' line at the Dental Clinic. Who are we going to have put it in?
- Advertisements for the installation of the solar lights and adding electricity for additional R.V. parking spots were put in the paper last week. I've had no responses.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to approve the Request for **Capital Purchase for Road and Bridge District #1** for two HX15-John Deere **Flexwing Mowers** for a net price of \$22,000.00. 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 Request for **Capital Purchase Road and Bridge District #1** for a 140M Caterpillar **Motor Grader** for a net price of \$108,065.77. 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 Request for **Capital Purchase Road and Bridge District #1** for a WR 75 Series 3 CAT **Walk-N-Roll** for \$20,350.00. 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 Road and Bridge District #2** for two RX15 John Deere **Flexwing Mowers** for a net price of \$22,000.00. 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 Road and Bridge District #2** for a 140M Caterpillar 2009 **Motor Grader** for a net price of \$100,605.77. 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 Request for **Capital Purchase Road and Bridge District #2** for a 2014 John Deere 6130D **Cab Tractor** for \$68,244.00. On roll call vote, all votes being yes, the motion passed.

Resolution 84-2015 It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to adopt the following Resolution, to wit:

WHEREAS, Washington County is finalizing the documentation for the construction of a new Nursing Home Facility formally known as the Green House Project; and

WHEREAS, as part of the transaction the County has agreed to obtain two Letters of Credit; and

WHEREAS, the Board of County Commissioners has requested that the Washington County Treasurer allocate certain County monies to fund the aforementioned by establishing two Certificates of Deposit at the Bank of Colorado; and

WHEREAS, these Letters of Credit will be issued by the Bank of Colorado pursuant to certain documentation as required by the Uniform Commercial Code and related regulations concerning Letters of Credit; and

WHEREAS, on this date at a regular hearing the Board determined to take the following action:

1. The Board hereby directs the Treasurer to fund with County monies two Letters of Credit to be issued by the Bank of Colorado to wit:

Letter of Credit 6600003860 in the amount of \$406,881.00

Letter of Credit 6600003870 in the amount of \$348,522.00

Beneficiaries of the aforementioned shall be as follows:

IMPACT CDE LLC, A DELAWARE LIMITED LIABILITY COMPANY

CNMC SUB-CDE 80, LLC, A DELAWARE LIMITED LIABILITY COMPANY

2. The Chairman of the Board is hereby authorized to sign the necessary documentation relating to the aforementioned to establish these Letters of Credit, which will be annually renewable.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 26th 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 85-2015 It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to adopt the following Resolution, to wit:

WHEREAS, Washington County is finalizing the documentation for the construction of a new Nursing Home Facility referred to as the Green House Project; and

WHEREAS, as part of the transaction the County has agreed to create two new checking accounts for the Washington County Housing and Health Care Access LLC; and

WHEREAS, the Board of County Commissioners has requested that the Washington County Treasurer open said accounts on behalf of the Board at the Bank of Colorado; and

WHEREAS, on this date at a regular meeting the Board has determined to take the following action.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, as follows:

1. The Board hereby directs that two new checking accounts be created at the Bank of Colorado for the Washington County Housing and Health Care Access LLC and said accounts shall be administered by the Washington County Nursing Home:

General Operating Account

Construction Account

The following individuals are authorized to sign documents relating to the aforementioned WCH&HCA LLC Accounts and are hereby authorized to exercise full authority relating to said accounts:

Debra A. Cooper (the Washington County Treasurer)

David Foy (Commissioner)

Terry Hart (Commissioner)

Lea Ann Laybourn (Commissioner)

Garland Wahl (County Clerk and Recorder)

Chris A. Packer (County Administrator)

Any and all checks written on these accounts shall require the signature of two of the aforementioned individuals and approval by the Board prior to any monies being released.

2. The above named individuals are hereby authorized to sign the necessary documentation relating to the aforementioned accounts.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 26th 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.

Val Foutz, Zoning Official Presentation:

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to approve the **Application to Amend Current Use by Special Review (UAA15-01)** for Kristen Weaver o/b/o T-Mobile (Property Owner NE Colorado Cellular, Inc.) reason for amendment request: T-Mobile Collocation on Existing Tower. On roll call vote, all votes being yes, the motion passed.

Resolution 86-2015 Regional Hazard Mitigation Plan, update of 2014

WHEREAS, the Board of County Commissioners of Washington County recognizes the threat that natural hazards pose to citizens and their property within our County; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to residents of the County and their property from future hazard occurrences; and

WHEREAS, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre-and post-disaster mitigation grant programs with the understanding that any costs associated with mitigation projects which involve County participation / expenditures must be approved by the Board of County Commissioners in advance of any expenditures; and

WHEREAS, Washington County is within a 10 county Planning Area, and fully participated in the mitigation planning process to prepare this Multi-Hazard Mitigation Plan and its 2014 update; and

WHEREAS, the Colorado Division of Emergency Management and Federal Emergency Management Agency, Region VIII officials have reviewed the 2014 update to the Northeast Colorado Regional Hazard Mitigation Plan and approved it contingent upon this official adoption of the participating governing body; and

WHEREAS, the Board has discussed this matter on this date and after having reviewed same has determined to take the following action.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, as follows:

1. That by adoption of this Resolution the Board hereby re-adopts the Northeast Colorado Regional Hazard Mitigation Plan as restated in 2014, as an official plan.
2. That the Northeast Colorado Emergency Managers (NCEM) group is hereby authorized to submit this Adoption Resolution to the Colorado Division of Emergency Management and Federal Emergency Management Agency, Region VIII officials to enable the Plan's final approval.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 26th 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.

Brenda Rhea, **Nursing Home Administrator**, reported there were 26 residents today.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to approve the **April 28, 2015 Minutes**. 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 **May 5, 2015 Minutes**. 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 **May 12, 2015 Minutes**. On roll call vote, all votes being yes, the motion passed.

The County Attorney sent a letter to Robert Pachner informing him that the Board of County Commissioners considers **Y-W Electric Association, Inc.** to be a "public non-governmental entity, association, or corporation" and the county will not be requiring any payment for their placement of equipment on the **Gulley TV Translator Tower**.

Reagan Benson introduced herself and gave a brief background of what she does. Benson stated she has residences in Jefferson and Washington Counties and has lived here for three years. Benson stated her husband's business keeps him away from home a lot. Her son Brock is active in school and sports and likes it here. I set up a non-profit business - Every Student Matters. Benson said she is an advocate for kids caught in the system. They have removed themselves from the public. I try to help them before any criminal acts happen and give them guidance for the future. I take my work seriously. I'm also an ADA advocate in the judicial system.

Benson said she is here to get information on how Washington County works. I have been recognized as someone who highly understands Colorado Open Records Act (CORA) law.

There's been a run in with law enforcement in Washington County for me and my family. Washington County has a new Sheriff. I realize the commissioners can only speak on his budgetary issues

I placed a CORA request with the Washington County Sheriff office and followed the county CORA policy. I don't have what I requested and from all indication I'm not going to get anything so I'm giving up on it.

Violation of a CORA request can end up in district court

County Attorney, Larry Vana, said he understood that all Benson has to do is sign her name and she can get the information she's requested. Vana asked if Benson had talked personally with Sheriff Stivers. Benson replied no. When Sheriff Stivers was the Under Sheriff and I tried to talk to him and he threw me out of his office.

Benson said it took five days to get a reply to my CORA request from the Sheriff's Office. Vana said each elected official can add their requirements to the CORA request such as Garland Wahl could add something for election requests. Benson stated Garland is good to work with. She takes her job seriously, has treated me professionally and has taken care of my requests. I can't speak for the other elected officials except the Sheriff. The County has some liability for not following the CORA law.

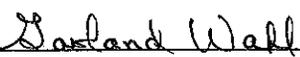
Benson asked to see the Resolution that sets the Sheriff's salary. Vana gave her a copy of C.R.S. Statute showing the salaries. County Elected Officials salaries are set by the State legislators.

Benson asked who she talks to get copies of the Minutes. Wahl instructed Benson to contact her.

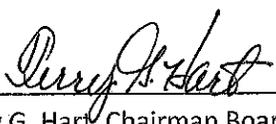
Benson thanked the commissioners.

Commissioners will meet Monday, June 1, 2015 at 7:30 a.m. to sign vouchers then leave for their summer conference.

There being no further business the meeting was adjourned.



Garland Wahl, Clerk of the Board



Terry G. Hart, Chairman Board of County Commissioners