

June 30, 2015

At a regular meeting of the Board of County Commissioners, Washington County Colorado, held at the Courthouse in Akron, Colorado on the 30th day of June 2015, there were present:

Terry Hart, Chairman	present
David Foy, commissioner	present
Lea Ann Laybourn, commissioner	present
Garland Wahl, clerk of the board	present
Peter 'Larry' Vana, county attorney	present

Public present Regan Benson.

The invocation was given by Pastor Jon Acker of the First Baptist 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**. 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, Capital Expenditure, and Justice Center, payables for June 30, 2015 with a value of \$373,229.97. 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** for payroll with a value of \$460,465.36. 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, payables for July 1, 2015 with a value of \$112,607.55. 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 June 30, 2015 with a value of \$7664.93. 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 June 30, 2015 with a value of \$600.94. 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 **Minutes of June 16, 2015**. 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 **Minutes of June 23, 2015**. On roll call vote, all votes being yes, the motion passed.

Brenda Rhea, **Nursing Home Administrator**, reported there are 26 residents in the Nursing Home. New bookkeeper, Cheryl Lewis, started yesterday. Dani Thompson's last day is July 2, 2015.

Rhea asked if the commissioners if they are looking at names for the four units of the new Nursing Home. The Health Care Board has some suggestions. It was discussed that the public could make suggestions and the names voted on.

Val Foutz reported that the maintenance supervisor, Jim McCracken, found a stall door bracket broken in the men's bathroom at the **Event Center** after a wedding reception. Foutz reported that McCracken also reported there was damage to one of the buildings (Bingo) outside caused by the trash receptacle hitting it and benches were moved from the pavilion and not returned.

Commissioners met with Larry Vana, county attorney; Madeline Meacham, assistant county attorney; Jason Lockard, road and bridge district #1 & #2 supervisor; Mike McCaleb, emergency manger; and Chris Packer, county administrator to discuss the upcoming **PUC Hearing August 4 and 5** regarding the request by Burlington Northern & Santa Fe (BNSF) and Union Pacific (UP) Railroad to close the crossing on County Road P.5 near Messex. Meacham has to have a list of witnesses, documentation, exhibits, and a list of emergency service people, school representatives, and road and bridge personnel by July 14, 2015.

Jim Yahn, manager and engineer of North Sterling Water, Charles Leaf, hydrologist , and Ken Wahl, retired U.S. Geological Survey engineer were names given to Meacham as possible witnesses.

The railroad would like to close the crossing on County Road P.5 near Messex and redesign the crossing on County Road 59 also near Messex.

Meacham reviewed some of the Railroad's material that will be presented to the PUC. The railroad states safety as a reason for closing the crossing at County Road P.5 because they will be lengthening the side track.

Lockard and McCaleb reviewed the Railroad's information and commented on the water flow history of the South Platte River. The Railroad's information came from the Weldona site and to get a better gauge of the flow of the South Platte River affecting the Messex area the information should come from the Balzac site. McCaleb stated that the Weldona site is narrow and deeper and the Balzac is wider and not as deep. Balzac water comes in from distributaries. McCaleb said he would get a report on the Balzac site.

Meacham stated that crossing arms might solve the problem.

Lockard said a concern he has about the railroad crossing on County Road 59 is the site line on a curve.

Commissioner Foy said County Road 59 could not be used in the 2013 South Platte Flood and people had to go 11 miles around to get to their places. We saw things with the 2015 South Platte Flood that we've never seen before. A redesign of County Road 59 could make things worse for the Messex community.

Lockard discussed BNSF sending information about putting gates, flashers and remote housing units on three county road crossing along Highway 34 at a cost of \$450,000. The locations would be County Roads XX, U, and Q. There are presently gates across County Roads BB Akron, DD Akron, RR Otis, KK Platner, and Highway 63 Akron.

Commissioner Laybourn said she talked to Rob Hicks, Town of Akron manager about the maintenance of the drive way between the museum school house and the VFW building. Hicks said the Town will take care of it this year because they will have road materials left from repairing the streets. In the past the Town maintains it for a period of time and the County maintains it for a period of time.

Commissioner Laybourn said she talked to Jim Evans about preparing a new website for the county. Evans suggested going back to the first one the county because it is easy to maneuver around in. He will bring back suggestions August 1st.

Chris Packer, County Administrator Report:

- The county attorney is reviewing contracts to install railroad gates across County Roads Q, U, and XX. The gate assemblies will cost \$1.268 million dollars. Commissioner Foy suggested there be a meeting with BNSF, CDOT Road and CDOT Railroad representatives to discuss costs and responsibilities. Vana will contact the railroad personnel to meet with the commissioners. Foy would also like to talk to CDOT region 4 representatives.
- Packer inquired about the transfer of funds from The Farmers State Bank of Akron to the Bank of Colorado and the persons who will be authorized to sign on the newly created accounts. Packer stated such authorization is usually done by resolution. Commissioner Foy suggested they schedule a meeting with the treasurer, Debi Cooper, Bank of Colorado supervisor, Matt Pieper and his supervisor for next week. The county attorney stated the treasurer has the authority to create accounts and he will write a resolution showing who may sign on the accounts.
- Driveway vs road for the new Nursing Home was discussed. The Town of Akron wants a plat and what the name of the road will be.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to ask the Town of Akron to make a **dedicated street for the new Nursing Home**. On roll call vote, all votes being yes, the motion passed.

Commissioner Foy stated that Enterprise Zone 2005-2013 capital credits report went to Chris Packer.

Packer said there will be a phone call with S.B. Clark to discuss the financial draw process for the new Nursing Home and a training session. Monday, July 6 will begin the soil work on the site for the new Nursing Home. This will be for utilities, etc. Commissioner Foy said he had been contacted by Harry Slusser asking if he could stockpile dirt on the fairgrounds that will be dug up for the Nursing Home. Packer stated that all work done on the project will go through G.H. Phipps, general contractor.

Commissioners received a copy of a letter Maryln Elrick sent to the Washington County Sheriff requesting the Sheriff's assistance with keeping unauthorized people from riding ATV's and other off-road vehicles on her property at Platner. Washington County has a gravel permit in place.

Val Foutz, **Zoning Official** presentation:

Travis Diamond, Double Diamond Farm Corp. discussed the Petition for Vacation of Roadway County Road (VAC15-01) X.75. Diamond stated the road was never used and he now owns the land and wants to farm it. Diamond said he doesn't want to stop the Town of Akron from getting to their water wells and they don't use road X.75. Commissioner Hart asked if he still wanted the county to move the road base to the two track road. Diamond replied that he would like to see the county leave a smooth base after the road is removed. This will allow for farm equipment to be moved without going on the highway.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to approve the **Building Permit (BP15-08)** for **Chester Gebauer** to put up a machine storage building on SE1/4-8-2N-50. On roll call vote, all votes being yes, the motion passed.

Resolution 91-2015

WHEREAS, pursuant to Colorado Revised Statutes 43-2-303 the Board of County Commissioners may divest all right, title, or interest of the County to a dedicated road by adoption of a Resolution to that effect after notice and holding a public hearing to consider a roadway vacation; and

WHEREAS, pursuant to the aforementioned statutory mandates and the Washington County Roadway Standards, the Board received a request from a representative of the **Double Diamond Farms Corporation** dated June 17, 2015 to **vacate a dedicated roadway** in the eastern half of Section 27, Township 3 North, Range 53 West, shown on County Road records as X.75; and

WHEREAS, said aforementioned Corporation is the only owner on either side of the dedicated roadway that was dedicated to Washington County and recorded in Book 974 – Page 73 and thus the only affected owner of property adjacent to the proposed roadway vacation; and

WHEREAS, pursuant to the aforementioned the Board waived the posting of a sign since the right of way is not utilized generally by the traveling public; and

WHEREAS, pursuant to a notice to the property owner the Board held a public hearing on this date and received evidence and testimony from the applicant regarding said proposed vacation; and

WHEREAS, the Board has reviewed this matter on this date and has no reason not to grant the vacation of the dedicated but underutilized roadway based upon the information made available to them.

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

1. By adoption of this Resolution and pursuant to the authority vested onto the Board by Colorado Revised Statutes 43-2-301 et. seq., having been fully advised, the Board hereby vacates the dedicated but underutilized roadway as may have been granted to the County as set forth in the Washington County Clerk and Recorder records within Book 974 – Page 73 and / or any other County records evidencing interests of Washington County in said roadway.

2. Pursuant to C.R.S. 43-2-302, ownership of the real property created by the adoption of this resolution, shall vest to the property owners abutting the vacated roadway which in this case is solely the Double Diamond Farms Corporation.

3. The Clerk to the Board is hereby directed to record this Resolution and forward a copy to the aforementioned property owner who filed the application for vacation and to the Washington County Assessor so that the Washington County land records may be changed to reflect the action taken by the Board on this date.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 30th day of June 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.

Kevin Brutz, sheriff's department would like to have the 'arrest a friend program' again at the **fair**. Commissioners gave their permission as long as the sheriff is ok with it and Jim McCracken is informed about what is going on.

Regan Benson talked about her request for a resolution to address a complaint process when a department (Sheriff) violates a CORA request.

Commissioners stated that the sheriff is elected and runs his office according to statutes. He develops a budget that we approve. We review his expenditures, as they are processed, through this office.

Benson asked about processing agreements.

Commissioner Foy stated we ask that any agreements, contracts, etc. be reviewed by the county attorney.

Benson asked what the commissioners do question.

Commissioner Foy said we have turned down purchase requests.

Benson replied you have no recourse for a citizen.

Commissioner Laybourn pointed out that Benson could sign the form the sheriff's department requires so they can be accountable for a CORA request. His process is fair and equitable. The sheriff is elected by the people and follows his statutory duties.

Benson stated she is not about to sign the form. As representing local government you don't have an interest in passing a recommended resolution and you don't have a response. Understood!

Commissioner Laybourn - the sheriff takes an oath to uphold his duties.

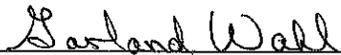
Benson - you say you don't care about the people. Commissioner Foy - that's your statement.

Benson - you don't have a response to people.

Commissioner Hart - yes we do but on this issue the answer is no.

Packer asked if at the September 11 **Eastern Region meeting** if the other entities could turn in their budget requests and do a 20 minute presentation to get it all done in one day.

There being no further business the meeting was adjourned.



Garland Wahl, Clerk of the Board



Terry G. Hart, Chairman Board of County Commissioners