

December 8, 2015

At a regular meeting of the Board of County Commissioners, Washington County Colorado, held at the Courthouse in Akron, Colorado on Tuesday the 8th day of December 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	excused
Chris Packer, county administrator	present

Invocation was given by Father Marek Ciesla, Saint Joseph Catholic Church

The pledge of allegiance was recited by those present.

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy 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, and Justice Center, payables for December 8, 2015 with a value of \$40,370.97. 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 Nursing Home** for December 8, 2015 with a value of \$9032.90. 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 December 8, 2015 with a value of \$1102.70. 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 Construction Disbursement** with a value of \$705,068.00. On roll call vote, all votes being yes, the motion passed. Funds get sent to Chase every month.

IRS has resolved their investigation of the Nursing Home employment taxes that has been pending since 12-31-2010.

Commissioner **Foy** received the **Distinguished Service Award** from Colorado Counties, Inc. (CCI) in appreciation for his exemplary achievements on behalf of all counties to encourage greater interest in the administration of county government and to work toward the solution of county problems.

Brenda Rhea, **Nursing Home Administrator**, reported there were 22 residents today.

Rhea said they are working on the Tree of Life and put an ad in the paper. Tree of Life funds go towards Nursing Home to replace equipment, upgrades, etc.

Rhea asked if she is supposed to be doing something with the bus. Foy will follow up with Justin Wylie. Resident's Christmas Party is December 21, 2015. There was a group of kids that came in from Otis and sang for the residents. Lots of Christmas Activities.

Rhea reported that everything has been taken care of that was, written up, in the Life-Safety and state inspections for the Nursing Home.

There are three more people that want to go to C N A /dietary training school. We are working to get all current staff through school. It takes a long time because we have to stagger to keep enough staff on hand.

Chris Packer, County Administrator Report:

- PUC Application Madeline Meacham work on it.
- Sheriff would like E Force contract for 2016 signed. E force is the software used for jail and road management monitoring. The county attorney looked at it and he had some comments. Commissioner Foy asked Packer to make an inquiry to W-Y Combined Communications that all their equipment is capable of interfacing with our Sheriff's office.
- Letters for non-profit group were sent December 11th last year. Packer was given permission to notify the non-profit groups what had been approved for their budget at the November 24, 2015 meeting.
- Packer said they need to drive by the new Nursing Home construction project and look at trusses, etc. The decorative portion of the trusses could have pigeons on them all the time if they are left the way they are.
- Received \$124,111.02. FEMA monies for the 2013 South Platte Flood. To receive the additional \$71,000 the current contract has to be amended. Equipment and man hours were more than what the original contract stated. Packer asked the commissioners if they want to amend the contract or let the funds sit there until we close out. The commissioners said they would like to amend the contract.

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to **amend the FEMA request** and to add \$70,000 to the **2013 South Platte Flood** contract. On roll call vote, all votes being yes, the motion passed.

Chris Packer, County Administrator Report continued:

- Expenditure cap increase for Washington-Yuma Counties Emergency Telephone Service Authority Board 2016 budget

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn that Washington County allow the \$2000 cap to be raised to \$2400 for the **Washington-Yuma Counties Emergency Telephone Service Authority Board 2016 budget**. On roll call vote, all votes being yes, the motion passed.

Chris Packer, County Administrator Report continued:

- Packer asked the commissioners what they want to do about a Scraper for the Road and Bridge Department. Commissioner Foy said it would cost \$37,000 to repair the one we have. It would cost close to a quarter of a million dollars to buy a new one, \$3000 a week to lease one. Commissioner Foy suggested talking to the road supervisors and the county attorney.
- Packer said the auditor called and asked for copy of the minutes. He asked the county clerk to forward minutes to auditor.
- Packer forwarded the information from Gary Peterson to the commissioners.
- Packer has the 2016 Victim Assistance and Law Enforcement (VALE) Board Statement of Grant Award Contract. The award amount is \$9125.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to allow the chairman to sign the 13th Judicial District Victim Assistance and Law Enforcement (**VALE**) **Grant** in the amount of \$9125.00. On roll call vote, all votes being yes, the motion passed.

Chris Packer, County Administrator Report continued:

- Packer said it is costing \$605 a day to keep the Landfill open.

Val Foutz, **Zoning Official presentation:**

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to ratify the signature of Val Foutz on the **Special Transport Permit – Not Drilling Rig (TP15-24)** for **Sterling Construction** to travel down county roads. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to ratify the signature of Val Foutz on the **Special Transport Permit – Not Drilling Rig (TP15-25)** **John Bunning Transfer Co., Inc.** to travel down county roads. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to ratify the signature of Val Foutz on the **Special Transport Permit – Not Drilling Rig (TP15-26) John Bunning Transfer Co., Inc.** to travel down county roads. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Foy and duly seconded by Commissioner Laybourn to ratify the signature of Val Foutz on the **Special Transport Permit – Not Drilling Rig (TP15-27) for Sterling Construction** to travel down county roads. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Laybourn and duly seconded by Commissioner Foy to ratify the signature of Val Foutz on the **Special Transport Permit – Not Drilling Rig (TP15-28) for Sterling Construction** to travel down county roads. On roll call vote, all votes being yes, the motion passed.

Commissioners reviewed the operational rules and regulations, and **fees for the Washington County Landfill**. Changes were made and they will be approved in the annual reorganization document the second Tuesday in January.

Jeremy Shook sent a letter to Val Foutz stating he felt appointment of members to the **Noxious Weed Advisory Committee** would fit very well with the goals of the Washington County Conservation District and included names and contact information for some people who have shown interest in this issue. The names he recommended were Dollie Gonzales, NRCS District Conservationist, Wilbur Strickert, Land Manager for State of Colorado and Washington County Conservation District, Dick Diamond, President Washington County Conservation District, Jeremy Shook, Washington County Conservation District, Rob Slusser, Washington County Conservation District and Richard Holtorf, President of Farm Bureau and Washington County Conservation District. Shook stated he would like to see as many people as possible be involved to hopefully move the Noxious Weed issue in a positive direction.

Jim McCracken, **Facilities Operation Manager**, discussed his employee appointment agreement. McCracken asked if the tool allowance carried over from the old contract to the new agreement. He also inquired about the use of his personal pickup. At the present the county pays for the fuel. The sheriff provides his maintenance person a county pickup. Commissioners will see if there are any county pickups available. McCracken was asked to make a list of tools. Commissioner Laybourn asked for a list of what is spent on tools per month

Steve Diamond and Joel Diamond discussed cement and rock aggregate for roads. They inquired what the needs of the County were for such materials. They are looking into the materials as part of a business venture.

Present at the **informational meeting** to discuss the **naming of the Green House Project Buildings** were: Commissioners – Terry Hart, David Foy, Lea Ann Laybourn; Clerk of the Board -Garland Wahl; County Administrator – Chris Packer; Otis Telegraph - Brandy Ward; Akron News Reporter – JoAnne Busing; Nursing Home Advisory Board Members - Roma Brandau, Ruby Rinker, Edna Dalton, Maggie Eskew, Carol Benjamin, Nursing Home Administrator - Brenda Rhea; and Citizen – Cheryl Miller.

The names submitted by the Nursing Home Advisory Board for the buildings and street at the new site are: Homestead, Harvest, Harmony, High Plains, High Prairie, and Street Name Heritage Lane.

The Nursing Home Advisory Board chose the above names to have them sound like a community and not a nursing home. They want everyone to live in Harmony – Harvest is all around and affects everything we do around here – Homestead is where you have your home and we live on the High Prairie. The board will take out High Plains because there are other companies, etc. associated with the name. When the board first discussed the naming of the buildings and street they started with Heritage Lane. The board thinks people associates green house with marijuana.

The Town of Akron gave the street a temporary name of Green House Drive and Green House Drive West. Those were the names on the project plans and there had to be exact addresses for the fire suppression system or the whole thing would have had to shut down.

Commissioner Foy said some people in Otis are concerned about the name Homestead because Otis already has Homestead Apartments for seniors. Some thought the names for the buildings all starting with H would be confusing.

Packer said the Drive was named by a Town Ordinance and it takes 60 days to adopt an ordinance. The Drive will run off of 4th Street going north then curve going west so the Drive will be Green House Drive on the part off of 4th Street going north and Green House Drive West on the part that curves and faces west. When the name it changed it will be Heritage Lane and Heritage Lane West.

Commissioner Foy suggested that name not be changed until after the project is complete and residents are moved in because the inspectors will be looking for Green House Drive. Packer explained that the architects licenses and permits are tied to our physical address. There are too many things that are tied to Green House Drive. Packer said the Drive was named two years ago when Lance Boggio, project manager came on board.

Commissioner Hart said he was going to the Town of Akron Council meeting and he would see what he could find out about renaming the Drive.

Commissioners Foy and Laybourn stated the fair parade has been moved back to Friday. They said they would like to reroute the parade to go by the new Nursing Home and they will get the Fair Board involved. Rinker said she was disappointed there will be no rodeo. Commissioner Hart said the PRCA rodeos are already booked for other counties and that was why it worked well to have it on Sunday. Rinker said the fair was just too long last year – everyone ran out of energy and money by the time the rodeo came around on Sunday.

Cheryl Miller ask what type of care there would be for the new facility and asked if there would be enough people to take care of them with four buildings. Rhea replied there would be enough personnel and there would be no changes in the care the residents receive. The difference will be a home atmosphere. Commissioner Foy said the Nursing Home has requirements set by the State of Colorado as to how many employees, acuity levels of care needed, dietary needs, etc. and Rhea follows those.

Miller asked about the cost compared to other Nursing Homes in the area. Rhea replied the rates will go up in January. Yuma Nursing Home rates are higher.

Edna Dalton said the residents will all have private rooms.

Roma Brandau pointed out there is a video that Miller could watch about the Green House approach. Miller said her cousin was instrumental in the getting the Green House one in Loveland. Eskew said with everyone getting schooling Washington County will have more qualified people than other Nursing Homes.

Miller asked what has to be done to put a name on a waiting list. Rhea said she should contact her at the current Nursing Home. There will be procedures to go through to qualify for the new facility. Packer stated that with the new market tax credit we have to have a certain number of Medicaid residents.

Miller asked if there were going to be 40 beds. Brandau said yes and each will have their own shower, heating and air conditioning and the residents will be able to sit around the kitchen. Miller said she likes the concept.

Resolution 124-2015

Resolution Ratifying a Loan to the Washington-Yuma Counties' Emergency Telephone Services Authority and Approving Amendments to Loan Documents

WHEREAS, the Washington-Yuma Counties' Emergency Telephone Service Authority (the "Authority") was established by an Intergovernmental Agreement (the "IGA") between the Boards of County Commissioners of Washington and Yuma Counties and the City of Wray, the Town of Eckley, the City of Yuma, the Town of Otis, the Town of Akron, the Cope Fire Protection District, the Yuma County Fire Protection District, the Akron Rural Fire Protection District, the Wray Community District Hospital, the Yuma Rural Fire Protection District, the Yuma Hospital District, the Otis Rural Fire Protection District, and the Haxtun Fire Protection District on December 14, 1990, pursuant to Title 29, Article 1, Part 2, Colorado Revised Statutes (C.R.S.); and

WHEREAS, the Authority is a separate legal entity; and

WHEREAS, the Authority funds are to be spent solely to pay for the acquisition of equipment, software and installation thereof, as well as the direct and incidental costs of operating an emergency telephone service; and

WHEREAS, Section 7.4 of the IGA provides in part that:

Except for a loan, waste or contract expressly approved by the Counties by a resolution duly adopted by the Boards of County Commissioners, the Authority shall not borrow money, enter into any lease agreement, or execute any contract having a price or value in excess of the sum of Ten Thousand Dollars (\$10,000.00); and

WHEREAS, for reasons unknown, on April 23, 2008, a Colorado non-profit corporation was created with the name of the Washington-Yuma Counties Emergency Service Telephone Service Authority, by filing articles of incorporation with the Colorado Secretary of State at Document No. 20081224381 (the "Non-Profit Corporation"); and

WHEREAS, in April, 2014, the Non-Profit Corporation was incorrectly added in addition to the Authority and thus mistakenly named as borrower of a \$600,000 Revolving Loan Fund loan (the "Loan") administered through the Y-W Electric Association, Inc. pursuant to a Rural Economic Development Loan Agreement, the proceeds of which were deposited in the bank account of the Authority and, with other Authority funds, utilized to purchase equipment including four (4) MC 700 Consoles plus spares, one (1) microwave system, nice recorders and an 8-year maintenance agreement for use by the Washington-Yuma Combined Communications Center (the "W-Y Center"), created by the Counties of Yuma and Washington and the City of Yuma by Intergovernmental Agreement on April 16, 1992 to operate the Washington-Yuma Combined Communications Center, currently located at 216 East Third Avenue, Yuma, Colorado; and

WHEREAS, naming the Non-Profit Corporation as the borrower of the Loan was an error; and WHEREAS, the documents evidencing the Loan should have been made solely in the name of the Authority; and

WHEREAS, resolutions approving the Loan should have been brought to the Counties pursuant to the IGA; and

WHEREAS, the Authority has been treated as the borrower under the Loan since the Loan was made in April, 2014;

WHEREAS, the Boards of County Commissioners of Washington County and Yuma County now desire to acknowledge that the documents evidencing the Loan should have been made in the name of the Authority in the first instance and that pursuant to the IGA, each County approves of the Loan transaction.

NOW, THEREFORE, be it resolved, by the Board of County Commissioners of the County of Washington, as follows:

1. That the Loan to the Authority by the Y-W Electric Association, Inc. is hereby approved, ratified, and confirmed; provided, that the County shall have no financial obligation with respect to the Loan and any assistance and support, financial or otherwise that it provides to the Authority is subject to annual appropriation.
2. That further, all amendments to the documents and instruments evidencing the Loan are considered to reflect that the name of the borrower shall be solely the Authority, and as such, the amendments to the documents and instruments evidencing the Loan that are attached to this Resolution are hereby approved and authorized to be executed and this Resolution shall be delivered to the appropriate officers of the Authority to reflect the action taken by the Board on this date.

3. That further, this Resolution shall be delivered to the Y-W Electric Association to reflect that the true and sole borrower under the loan documents is the Washington –Yuma Counties Emergency Telephone Service Authority and that this intergovernmental Authority, and not a non-profit corporation, is responsible for the repayment of the loan.

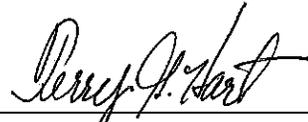
4. That a copy of this Resolution be forwarded to Yuma County and executed in substantially the same counter-part to ratify the hereinabove actions taken in paragraph number 1 of this Resolution. Upon the adoption of a Resolution on their part, a certified copy should be delivered to Y-W Electric Association to show the action jointly undertaken as required by the IGA.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 8th day of December 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.

There being no further business the meeting was adjourned.



Garland Wahl, Clerk of the Board



Terry G. Hart, Chairman Board of County Commissioners