

COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
May 2, 2017**

The Board of Morgan County Commissioners met on Tuesday, May 2, 2017 at 9:00 a.m. with Chairman James Zwetzig, Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Chairman James Zwetzig called the meeting to order and asked Morgan County Sheriff James Crone to lead the meeting in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Chair Zwetzig asked to add two items to the agenda today, the first being a departmental report to be presented by Building and Maintenance Director Dave Cornwell and second being Sheriff James Crone to introduce and recognize staff. Commissioner Teague made a motion to adopt the amended agenda as presented, with Commissioner Arndt seconding the motion. Motion carried 3-0.

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of meetings minutes dated April 25, 2017
- Ratify the Board of County Commissioners approval of Contract 2017 CNT 091, Hill Petroleum, Morgan County fuel purchase, Term of Contract April 1, 2017 through September 30, 2017
- Ratify the Board of County Commissioners approval of Contract 2017 CNT 092, Rick Lapp dba EPEC, weed control, Term of Contract April 20, 2017 until completed
- Ratify the Board of County Commissioners approval of Contract 2017 CNT 093, A & R Automotive, alignment on unit #5501, Term of Contract April 20, 2017 until completed
- Ratify the Board of County Commissioners approval of Contract 2017 CNT 094, Korf Auto-Sterling, repair exhaust system on units #6422/6402, Term of Contract April 20, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 095, Flagship Publishing Inc, lodging and tourism advertising, Term of Contract April 24, 2017 through December 31, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 096, American Bucking Bull Inc, lodging and tourism advertising, Term of Contract April 20, 2017 through August 31, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 097, Sturgis Motorcycle Museum, lodging and tourism advertising, Term of Contract April 12, 2017 through December 31, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 098, Heidi Kerr-Schlaefer (Heidi Town), lodging and tourism advertising, Term of Contract April 21, 2017 through August 31, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 099, KUVU/Rocky Mountain PBS, lodging and tourism advertising, Term of Contract April 20, 2017 through August 19, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 100, Impressions by Bird, lodging and tourism advertising, Term of Contract April 19, 2017 through December 31, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 101, State of Colorado Human Services Department, provide resources for PSSF program, Term of Contract April 21, 2017 through September 30, 2017
- Ratify the Board of County Commissioners approval on Grant 2017 GRA 08, Colorado Resource for Emergency and Trauma Education (CREATE), grant application for Travis Freeman to attend paramedic school in the upcoming fall, approved on April 27, 2017
- Ratify Chairman Jim Zwetzig's signature for assignment of debt collection to Wakefield and Associates for Morgan County Ambulance Service client #131136
- Ratify the Board of County Commissioners approval for disposal of assets, (1) 2005 Ford Taurus asset #1477, dated April 24, 2017
- Ratify the Board of County Commissioners approval on the appointment of Josh Miller, City of Fort Morgan to the Morgan County Tourism Panel affective April 18, 2017 with term ending December 31, 2017
- Ratify the Board of County Commissioners approval on Intergovernmental Agreement 2017 IGA 03, with Colorado Department of Natural Resources for mitigation and suppression of wildland fires in the county

Commissioner Arndt 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 – RESOLUTION - 2017 BCC 15 – A Resolution Adopting by Reference the Morgan County Colorado Retention Schedule

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

RESOLUTION NO. 2017 BCC 15

A RESOLUTION ADOPTING BY REFERENCE THE MORGAN COUNTY COLORADO RETENTION SCHEDULE

WHEREAS, Morgan County wishes to improve its records management practices through the adoption of an archives and records retention schedule;

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WHEREAS, Morgan County recognizes the value of adopting an archives and records retention schedule to provide legal authority for the destruction of nonpermanent county records when they are no longer needed and the permanent retention of county records that have enduring value;

WHEREAS, the Morgan County Records Retention Schedule, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference (the "Retention Schedule") is available for adoption by Colorado counties, with or without county exceptions;

WHEREAS, the County wishes to adopt the Morgan County Colorado Retention Schedule as approved by the Colorado State Archivist, State Auditor's Office, and the Attorney General's Office.

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

1. The Morgan County Colorado Retention Schedule attached hereto as **Exhibit A** is hereby adopted by reference by the County.
2. Since the State has already approved the Retention Schedule, Morgan County shall implement the Retention Schedule upon the effective date of this Resolution.
3. This Retention Schedule shall apply to all County offices and departments, elected or otherwise.
4. A copy of the Morgan County Colorado Retention Schedule shall be maintained in the office of the County Commissioners office.

Dated this 2nd day of May, 2017

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

s/ James P. Zwetzig
James P. Zwetzig, Chairman

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

s/ Mark A. Arndt
Mark A. Arndt, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Morgan County Administrative Services Manager Kristi Waite presented to the Board for approval, Resolution 2017 BCC 15, A Resolution Adopting by Reference the Morgan County Colorado Retention Schedule. Ms. Waite stated that Finance Director Michelle Covelli has informed the Board it is required to have a county wide retention schedule in place due to federal grant requirements and asked the Board to adopt the county wide retention policy.

Commissioner Teague made a motion to approve Resolution 2017 BCC 15, A Resolution Adopting by Reference the Morgan County Colorado Retention Schedule as presented by Morgan County Administrative Services Manager Kristi Waite. Commissioner Teague noted Connor Woodall, County Intern, assisted in this process and believes he learned a great deal about the County departments in the preparation of this document. Commissioner Arndt seconded the motion, and at this time motion carried 3-0.

Consideration of Approval – BID AWARD – RFP 2017-0427-001 – Contract Haulage

Morgan County Public Works Bruce Bass presented to the Board for approval Bid Award RFP 2017-0427-001 Contract Haulage. Mr. Bass stated he received five bids from Aulick Leasing Corporation, English Transportation Inc., Morgan Sand and Gravel, Albert Frei and Sons and Transpro Burgener Trucking. Mr. Bass summarized the individual bid amounts. Mr. Bass stated the amount of tonnage of haul will be approximately 10,500 tons and stated he believes it is in the best interests of Morgan County to contract this haulage out and allow the county departments to continue working on other projects. At this time Mr. Bass recommended that the Board award bid RFP 2017-0427-001 to Aulick Leasing Corp in the amount of \$99,540.00 who was the low bidder.

Commissioner Arndt made a motion to approve bid award RFP 2017-0427-001 Contract Haul to Aulick Leasing Corporation as outlined by Mr. Bass in the cash amount of \$99,540.00 as recommended by Morgan County Public Works Bruce Bass and authorized a contract be prepared to be signed at a later date by the Chairman of the Board. Commissioner Teague seconded the motion and the motion carried 3-0.

Consideration of Approval – Noxious Weed and Pest Management Plan for Morgan County, Colorado

Commissioner Teague presented to the Board for approval the Noxious Weed and Pest Management Plan for Morgan County, Colorado. Commissioner Teague summarized a document that references the Noxious Weed Pest Management Plan for Morgan County explaining that there have been several others working on this plan. This plan addressed all the necessary items needed for this act to be in place and will allow the County to implement a plan for noxious weeds in Morgan County. She spoke about a meeting held last evening and the issue that prairie dog control needs to be addressed in the County and she then asked for approval of this plan and it will then be sent onto

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the State of Colorado Agricultural Department to be in compliance with the Colorado Noxious Weed Act. Commissioners Arndt and Zwetzig noted and thanked Commissioner Teague for her contribution to the Plan.

Commissioner Teague made a motion to approve the Noxious Weed and Pest Management Plan for Morgan County, Colorado as presented. Commissioner Arndt seconded the motion and the motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated April 28, 2017 through May 2, 2017 with changes.

At this time, Chairman Zwetzig asked Sheriff James Crone to introduce the new sheriff officers indicating this is a special opportunity to welcome, recognize, and show the Board's support to the Sheriff's Department. Sheriff Crone stated the officers being sworn in today are all jail deputies and summarized the training they have completed so far. Sheriff Crone performed the swearing in ceremony to six employees, Deputy Tyler Holt, Deputy Robert Hemphill, Deputy Josh Olson, Deputy Justin Paxton, Deputy Adrianna Hernandez, and Deputy Heather Clement and allowed each of them to introduce themselves to the Board.

Chairman Zwetzig made mention of the Jail Task Force Committee meeting being held this evening at 5:30 p.m. which will allow for a citizens committee to address the issues regarding space the Morgan County Detention Center is currently experiencing. Chairman Zwetzig recognized the officers and stated the Board is currently committed on working towards fair and adequate salary compensation for all county staff.

At this time, Director of Building and Maintenance Dave Cornwell, expressed the give back to Brush Day, where 419 students from the Brush High School went into the community and assisted with clean up in the community and Morgan County was fortunate to have had students participate in clean up at the Morgan County Fairgrounds. Mr. Cornwell stated the students did an excellent job.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT

There was no citizen's in attendance to provide citizens comment.

At this time, the Board moved into the Public Hearing matters on the agenda as follows:

PUBLIC HEARING

Application is for a Special Use Permit to construct a free standing "CMRS" Commercial Mobile Radio Systems located in the SW1/4 of Section 36, Township 2 North, Range 56 West of the 6th P.M., Morgan County, Colorado, aka 6159 Hwy 71, Brush, Colorado 80723

Chairman Zwetzig called the hearing to order at 9:30 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman James Zwetzig, Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Also present were Pam Cherry, Planning Administrator and NE Colorado Cellular Inc. dba Viaero Wireless, the applicants.

APPLICANT: NE Colorado Cellular Inc. dba Viaero Wireless
LANDOWNERS: Ely Family Trust

Planning Administrator Pam Cherry presented the file stating this is for two applications which are undergoing concurrent review which will shorten the amount of time from original submittal to final approval.

Background Information

Ms Cherry explained the subject property 3.7 acres located in part of the SW ¼ Section 36, Township 2N, Range 56W of the 6th P.M., Morgan County, Colorado. It is part of a 301.78 acre parcel located in the W ½ of Section 35, T2N, R56W, Morgan County, Colorado that is also known as 6286 Highway 71, Brush, CO 80723.

The property to be exempted is 3.7 acres from a 301.78 acre parcel. The request is in compliance with subdivision exemption regulations.

The property is zoned A, Agriculture Production and is used for grazing. Within the "A" zone district free standing CMRS facilities are permitted by a Special Use Permit. The special use permit was reviewed and both applications were heard three weeks ago at Planning Commission Meeting. That application has been submitted and is under review. Viaero will be operating a new broadband facility tower and support equipment that will provide infrastructure to benefit residents and visitors to Morgan County. The facility will be secured with a 60' x 70' x 6' chain link fence topped with barbed wire. The purpose is to enhance Viaero's 4G service in the network of Southeast Morgan County that currently has unreliable wireless service.

A tower site that is located between Brush and Last Chance will be removed from the network. An additional tower to improve wireless coverage will be installed south of Woodrow in Washington County.

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Electric service will be provided by Morgan County Rural Electric. The use does not require a water supply.

Access – An existing driveway located on the West side of Highway 71 will provide access to the site for construction and periodic maintenance. The traffic impact will not be significant. Planning Commission recommends the approval of the Ely Subdivision and the special use application subject to conditions:

- 1.) If the facility is not used for a period of 12 consecutive months, it shall be removed within 90 days of the end of the 12 month period.
- 2.) Co-location with other providers will be granted by NE Colorado Cellular if and when possible as required by the zoning regulations.

When Planning Commission heard the application, they did not have the information related to the tower that was approved last year. There was a new list of conditions.

- a. The Applicant is required furnish any purchaser or other successor in interest to the permitted property with a copy of the Morgan County Right to Farm Policy/Notice as adopted by Resolution 96 BCC 41 on July 23, 1996, and amended by Resolution 2008 BCC 34 on September 2, 2008, and the Receipt and Statement of Understanding of said policy. The Policy and Receipt shall be recorded as addenda to any deeds conveying the permitted property from the Applicant to any purchaser or other successors.
- b. Any past, existing, or future drainage problems on this property are the responsibility of the landowner and not that of Morgan County.
- c. All federal and state approvals for the tower shall be forwarded to the Morgan County Planning Department.
- d. Morgan County shall have the option to co-locate emergency broadcast equipment at no cost to the applicant. In the event that Morgan County co-locates emergency broadcast equipment, the County shall provide the applicant with specifications of the equipment and engineering for tower loading.
- e. The Board of County Commissioners retains continuing jurisdiction on this permit to address future possible problems with the site and to insure compliance with the conditions of this permit and the Morgan County Zoning regulations. The County also retains jurisdiction and the right and authority of County personnel to inspect the site at any reasonable time.
- f. If the facility is not used for a period of 12 consecutive months, it shall be removed within 90 days of the end of the 12 month period. In the event the owner fails to remove the CMRS facility within the time limit specified above, the County is hereby authorized to remove or cause the removal of the CMRS facility without any liability for trespass, and all costs incurred by the County, including an administrative cost equal to twenty-five percent (25%) of all direct costs, shall be charged as a lien against such real property which was occupied by the CMRS facility and the owners thereof.
- g. Co-location with other providers will be granted by NE Colorado Cellular if and when possible as required by the zoning regulations.
- h. Within five days after the construction reaches its greatest height notify the Federal Aviation Administration as required by Form 7460-2 Supplemental Notice - For Advance Notice of Actual Construction or Alteration.
- i. Applicant shall remain in compliance with all other conditions by the FAA per the Determination of No Hazard dated February 28, 2017.
- j. The Applicant is responsible for complying with all the foregoing requirements, conditions and design standards. Noncompliance with any of the foregoing requirements, conditions or design standards may be reason for revocation of this permit by the Board of County Commissioners after notice to the applicant or its successors in interest and public hearing.

At this time the applicant Rick Bailey representing the Ely Family Trust and NE Colorado Cellular Inc. dba Viaero Wireless stated he had nothing to comment on.

At this time, Chairman Zwetzig opened the matter for public comment at which there was no public comment.

At this time, Chairman Zwetzig moved to discussion and decision.

Commissioner Teague asked if it is a common practice to have co location on towers. With Mr. Bailey stating yes they have numerous towers that they share with other providers.

Commissioner Arndt questioned the statement the applicant is to furnish the purchaser with the copy of the right to farm, at what point do we talk about the fact that we are creating a parcel that is dry that if it is no longer a cell tower it is not a parcel that can be sold as residential building . With Ms. Cherry stating that would be through the subdivision exemption process.

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Chair Zwetzig stated the term broadband is listed in the application. Mr. Bailey stated that 4G technology and soon to be 5G technology is a form of broadband.

Mr. Bailey explained the 4G, 5G and LTE technology to the board. Any equipment that the company is installing it will accommodate the 5G.

Mr. Bailey explained that they are trying to bridge the gaps of the cell towers that are out by Woodrow by putting up the new tower.

Chair Zwetzig stated the towers would be shorter than the current towers. Mr. Bailey stating that the towers will be under 200 feet compared to over 200 feet. There will be no lighting required by the FAA.

At this time, a motion was made by Commissioner Arndt to approve the application is for a Special Use Permit to construct a free standing "CMRS" Commercial Mobile Radio Systems located in the SW1/4 of Section 36, Township 2 North, Range 56 West of the 6th P.M., Morgan County, Colorado, aka 6159 Hwy 71, Brush, Colorado 80723 and Chairman Teague seconded the motion and the motion carried 3-0.

Application is for an Exemption from Subdivision to create a 3.70 acres to construct a free standing "CMRS" Commercial Mobile Radio Systems located in the SW1/4 of Section 36, Township 2 North, Range 56 West of the 6th P.M., Morgan County, Colorado, aka 6159 Hwy 71, Brush, Colorado 80723

APPLICANT: NE Colorado Cellular Inc. dba Viaero Wireless
LANDOWNERS: Ely Family Trust

Ms. Cherry stated this is a 3.70 acre site that is being taken out of 301.78 acre site in SW1/4 of Section 36, Township 2 North, Range 56 West of the 6th P.M., Morgan County, Colorado. Planning Commission recommends approval subject to the condition that the 3.70 acres can not be sold as residential purpose unless it shows water supply first.

At this time the applicant Rick Bailey representing the Ely Family Trust and NE Colorado Cellular Inc. dba Viaero Wireless stated he had nothing to comment on.

At this time, Chairman Zwetzig opened the matter for public comment at which there was no public comment.

Chair Zwetzig commented on the driveway application states that it is on the west side and on the map there is not a current driveway. Mr. Bailey stated there is a cattle guard that is covered in grass that will be the driveway that will need some work to get the access.

At this time, a motion was made by Commissioner Teague to approve the Application is for an Exemption from Subdivision to create a 3.70 acres to construct a free standing "CMRS" Commercial Mobile Radio Systems located in the SW1/4 of Section 36, Township 2 North, Range 56 West of the 6th P.M., Morgan County, Colorado, aka 6159 Hwy 71, Brush, Colorado 80723 and authorize a preparation of a resolution noting that before the property can be sold for residential purposes a water source has to be brought forth. Chairman Arndt seconded the motion and the motion carried 3-0.

Being no further business, the meeting was adjourned at 9:53 a. m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified May 9, 2017)

THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

s/ James P. Zwetzig
James P. Zwetzig, Chairman

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

s/ Mark A. Arndt
Mark A. Arndt, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey