

August 14, 2018

At a regular meeting of the Board of County Commissioners, Washington County Colorado, held at the Courthouse in Akron, Colorado on Tuesday the 14th day of August, 2018, there were present:

Lea Ann Laybourn, chairman	present
Terry G. Hart, commissioner	present
Leland Willeke, commissioner	present
Garland Wahl, clerk of the board	present
Madeline Meacham, county attorney	present

8:00 Invocation

Pledge of Allegiance

Work Session

8:15 Health and Human Services – Teresa Traxler

8:45 Public Comment/Work Session

9:15 Planning and Zoning – Annie Kuntz

1. OneOK Elk Creek Pipeline LLC BP18-20

Additional Items to add to the agenda

Planning and Zoning Building Permit ONEOK Elk Creek Pipeline LLC BP18-20

Bids to replace windows at Pioneer Haves

Bids to sell Inflatable Slide and Mechanical Bull

Capital Request for Sheriff

Vacation of Roadway

Sign Purchase Order for Antenna Changes for Akron and Anton Towers

Contract for professional services with Crane Services for research and grant writing for Lower

South Platte River

Anton Super (Kirk Supers Inc.) Retail Liquor or 3.2 Beer License Renewal Application

Sign affidavit for Nursing Home

9:30 Business Meeting Convenes

Approve Consent Agenda

1. Schedule of bills for the County from the General, Road & Bridge, Health Care, TV Translator, Landfill, Justice Center Fund and Construction payables for August 14, 2018 in the amount of \$169,449.62
2. Nursing Home bills for August 14, 2018 in the amount of \$18,136.80
3. Pioneer Haven bills for August 14, 2018 in the amount of \$ 959.31
4. Minutes from Prior Meetings
 - a. August 7, 2018

It was moved by Commissioner Willeke and duly seconded by Commissioner Hart to **approve the Consent Agenda**. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Hart and duly seconded by Commissioner Willeke to approve the **Building Permit Application (BP18-20)** for **ONEOK Elk Creek Pipeline L.L.C.** to build a new steel building for the intended use of a pipeline across northeast Washington County. On roll call vote, all votes being yes, the motion passed.

Bids to replace windows at Pioneer Haven were received from:

Krause Construction

Labor and Material to remove and replace 21 single-hung vinyl living room windows \$16,800

Labor and Material to remove and replace 21 single-hung vinyl bedroom windows \$13,050

Labor and Material to remove and replace 21 single-hung vinyl windows \$8000

Glosson Construction Company, Inc.

36" x 36" Double Hungs – 21 of them

36" x 48" Double Hungs – 29 of them

72" x 48" Two Double Hungs Mulled Together – 22 of them

Total of 72 openings

Total Estimate \$38,760.00

Commissioners would like to replace just the kitchen windows at this time. Matt Green, Maintenance Supervisor said problem with the kitchen Windows is the elderly can't open them. Some of the Living Room windows have been damaged by weather and seals aren't any good. Green will see to it that both vendors have the same information for bidding on the windows.

Bids to sell Inflatable Slide and Mechanical Bull

Bid for Inflatable Slide

Glosson Construction Company, Inc.

\$710

Joel Diamond

\$510

Amy Kneedler

\$53.89

Bid for Mechanical Bull

Joel Diamond \$510

Glosson Construction Company, Inc. was awarded the bid for the Inflatable Slide
Joel Diamond was awarded the bid for the Mechanical Bull

9:45 Event Center – County Attorney – Madeline Meacham
Facilities Service Manager – Matt Green
Assistant to the BOCC – Annie Kuntz

Continuing **Quinceanera celebrations at the Event Center** was discussed. Surrounding counties have discontinued the use of their facilities for them because of the damage and messes left after one.

Kuntz said she charges accordingly for damages and cleaning and documents time for any repairs that have to be done. 2016 there was one fight, 2017 there were five events that resulted in torn out light bulbs, carnival rides messed with, things torn up in the barns and brought in \$1725. Kuntz said she keeps the Event Center just for local things in July to keep it available for Fair Activities. 2018 there have been ten out of county groups that had Quinceaneras that have brought in \$3745. 2019 has six groups requesting to rent the Event Center so far for \$3200.

Green said there are signs posted that there are cameras in use and he thinks that has cut down on tearing up the place. Green asked if it was ok to place a few more cameras in other areas of the Event Center. Green reports to Kuntz after a Quinceanera so deposit checks are appropriated back properly.

Kuntz said there is usually extra cleaning that has to be done and she quit renting the Event Center on Sundays if there is an event on Saturday night. Kuntz said \$25 is added to the charges for the kitchen. Kuntz said she would like to see a closing time of midnight added. She also asks for a deposit six months before an event.

Meacham pointed out that not allowing Quinceaneras could be looked at as racially motivated. Meacham also asked if the deposit covered the damages or if the amount should be looked at. Kuntz replied that so far they have.

10:00 Executive Session – Personnel Issue Jeremy Wells requested an open meeting. Wells stated he would like to read a statement before any discussion took place. Present at this meeting were: Commissioners - Terry Hart, Leland Willeke, Lea Ann Laybourn; Clerk of the Board – Garland Wahl; County Attorney – Madeline Meacham; Road and Bridge District #1 Supervisor – Jeremy Wells and Kim Wells (wife of Jeremy).

Meacham stated this is a pre-disciplinary hearing.

Wells read the following statement: Response to Administrative leave and Letter from Allan Basler

On Sunday, August 12, 2018 at 7:15 pm I received a text message from Terry Hart advising me I was placed on Administrative leave immediately at the advice of the County Attorney and I was ordered to report to the Commissioner's Meeting on Tuesday with no advance or written notice as to why I was being put on leave or why I was being told to attend the meeting. I asked what this was in regards to and Mr. Hart ignored me until I asked a second time for a response from him. He texted me back at 7:51

pm and stated it was in regards to a letter from a fair board member. I texted back that I had not seen a letter and was told that I would be given a copy of the letter on Tuesday and given an opportunity to respond. I asked to get a copy before Tuesday so I could review it and was told again that I would be given a copy on Tuesday and all the time and privacy I would need to respond. At 8:43 pm I texted Terry back that I believe I have a legal right to review the letter 24 hours in advance of the meeting and that I would be willing to meet him at the courthouse to obtain a copy of the letter. Over 30 minutes later he texted and said he would leave a copy in my mailbox at the courthouse. He then texted me the following "Just so you know any mail found in my mailbox with my name on it you don't have any right to. But knowing there are two sides to every story I have no problem with you facing your accuser with 24 hours to prepare your defense of the statements in the letter". This conversation took place entirely through text messaging and lasted 2 hours. I am troubled by several things. As a Department Head and Supervisor if I were to initiate any kind of disciplinary action without cause or proper notification and through text messaging only, I know that I would be acting irresponsibly and that I have a protocol to follow regarding any issues with my staff.

I am being disciplined without notice or cause. Mr. Hart also advises I am facing my accuser. If I had not requested a copy of the letter I would not have known any of this. On the morning of 8/13 Mr. Hart advised my staff that I was on leave and that they would decide tomorrow if I was coming back. Again, information I was not given by Terry. So now my staff knows more about why I'm here than I do. At any time Terry could have spoken to me about this but did not. There was a full 9 days before I left for vacation that Terry and I could have discussed this. But 21 days after the phone call here I am. My bigger concern is what you had hoped might happen by not disclosing anything to me regarding this situation until the day of the meeting. I have been a dedicated employee for over 6 years. The public's safety is my #1 priority. And I was taken from my job site repairing an unsafe and potentially lethal road to deal with a vendor issue. I am not responsible for vendor issues at the fair. I am also baffled by Terry's last text where he implies I will steal his mail. He had already stated he would make me a copy of the letter and put it in my mailbox. I have never went into anyone's mailbox at the courthouse.

I also feel that since my uncle Tony defeated Terry Hart at the Primary for Dist. 1 Commissioner, that Terry Hart has shown retaliatory actions creating a hostile work environment for me. Due to these concerns, I am requesting that Commissioner Laybourn becomes my supervisor effective immediately for the remainder of Mr. Hart's term.

County Attorney Meacham stated this is a pre-disciplinary hearing.

Jeremy Wells said he was not notified this was a pre-disciplinary hearing and asked if his job was on the line?

Commissioner Hart stated that Wells was leaving on a vacation and chose to wait until he returned to bring this matter up.

Meacham said Commissioner Hart received a letter from Allan Basler, fair board member, and contacted her. The county had no obligation to discuss their actions prior to this meeting.

Commissioner Hart said Washington County is an At-Will county for hiring and firing without cause.

Meacham asked Jeremy Wells if he understood about dealing with the fair board and someone who isn't his supervisor and his job duty.

Jeremy Wells replied he understood his job duties but not the fair board.

County Attorney, Meacham suggested going into Executive Session to address what action to go forward with.

Commissioner Laybourn said she wasn't aware there was an Executive Session until Monday, August 13.

10:28 It was moved by Commissioner Willeke and duly seconded by Commissioner Hart to **enter into Executive Session** to receive legal advice (24-6-402 (4)(c)) and discuss personnel matters (24-6-402(4)(e)). On roll call vote, Commissioners Hart and Willeke voted yes, Commissioner Laybourn voted no. Motion passed.

11:11 Executive Session was closed.

11:20 It was moved by Commissioner Willeke and duly seconded by Commissioner Hart to **continue this hearing August 21, 2018 at 11:00 a.m.** Jeremy Wells will be given a letter, discussion and due process will take place. On roll call vote, all votes being yes, the motion was passed.

Meacham informed Jeremy Wells that he will stay on administrative leave and not go to the work site for the time being. Next week the hearing will take into account some other incidents that have been reported. She also stated that Wells has the right to an open hearing. Wells said he wants an open hearing.

Kim Wells asked if they could get information on the back history so they could defend themselves.

Meacham said they were not entitled to the information.

Commissioner Hart stated Jeremy Wells had signed off on an incident in January of 2018.

Kim Wells asked why this meeting has gone from a letter from a fair board member - to a pre - disciplinary hearing - to other issues.

Meacham stated the only information that will go out to the crew is that there is a pending issue.

It was moved by Commissioner Willke and duly seconded by Commissioner Hart to approve the Request for **Capital Purchase from the Sheriff to purchase 3 portable radios** at a cost of \$9,627.21. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Hart and duly seconded by Commissioner Willeke to **approve the purchase** of one Kathrein UHF-TV combiner System tuned for **Narrowband Inputs** and two Kathrein UTV-11/4LP Broadband UHF-TV Superturnstile **antenna** for the **Gulley and Diamond TV Translator Towers**. On roll call vote, all votes being yes, the motion passed.

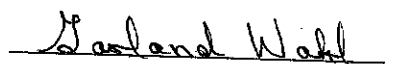
It was moved by Commissioner Hart and duly seconded by Commissioner Willeke to approve the Contract for Professional Services for Grant Writing and Research Services by and between Washington County and **Crane Associates, LLC for Messex Project as identified in the Lower South Platte River Master Plan dated June, 2018**. This will include Morgan, Washington, Logan and Sedgwick Counties and came about after the 2013 Flood along the South Platte River. Darrel Groth, landowner who has actual facts about the flooding will work with the Corp. of Engineers. On roll call vote, all votes being yes, the motion passed.


It was moved by Commissioner Hart and duly seconded by Commissioner Willeke to approve the **Retail Liquor or 3.2 Beer License Renewal Application for Anton Super d/b/a Kirk Supers**. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Hart and duly seconded by Commissioner Willeke to approve the **Request for Capital Purchase for the Nursing Home to purchase two top load washers** at a cost of \$2078. On roll call vote, all votes being yes, the motion passed.

Commissioners will sign the Indemnity and Affidavit as to Debts, Liens, Possession of Real Property and improvements document for the Nursing Home in front of Nancy Lightle, Notary Public later today.

11:50 It was moved by Commissioner Willeke and duly seconded by Commissioner Hart to **adjourn the meeting**. On roll call vote, all votes being yes, the meeting passed.


Garland Wahl, Clerk of the Board


Lea Ann Laybourn, Chairman Board of County Commissioners