

March 22, 2016

At a regular meeting of the Board of County Commissioners, Washington County Colorado, held at the Courthouse in Akron, Colorado on Tuesday the 22th day of March 2016, there were present:

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

8:00 a.m. Work Session

Invocation

Pledge of Allegiance

9:00 a.m. Nursing Home/Pioneer Haven Report

10:00 a.m. Director Report – Jim Evans, IT

Draft Policies relating to IT for county

10:30 a.m. Discussion on proposed WTE agreement

Discussion on Proposed Ambulance agreement with CHP

11:30 a.m. Break for lunch

1:15 p.m. Approve Consent Agenda

CONSENT AGENDA ITEMS:

1. Schedule of Bills for the County from the General, Road & Bridge, Health Care, TV Translator, Landfill and Justice Center Funds payables for March 22 in the amount \$26,960.26.
2. Schedule of Bills for the Nursing Home in the amount of \$14,249.31.
3. Schedule of Bills for the Pioneer Haven in the amount of \$3264.51.
4. Minutes from Prior Meetings
 - a. March 15, 2016

It was moved by Commissioner Hart and duly seconded by Commissioner Foy to approve the consent agenda with the removal of item Dispose of Surplus Property Resolution – maintenance item.

1:45 p.m. Planning and Zoning and Administrative Assistant Report

1. Taylor EX16-04
2. Fritzler EX16-05
3. Howlett EX16-06
4. Corman EX16-07
5. Corman EX16-08
6. Sign Mylars

Resolution 70-2016 It was moved by Commissioner Foy and duly seconded by Commissioner Hart to authorize the Chairman of the Board to execute the **Agreement For Solid Waste Disposition** by and between **Energy Recovery Partners LLC** firm and Washington County relating to the provision of waste collection from the Washington County Landfill for ultimate energy production pursuant to the terms as contained therein. On roll call vote, all votes being yes, the motion passed.

Resolution 71-2016 It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Exemption from Subdivision** (Case #EX16-04) for **Joy Taylor as applicant and Wayne McKie** as owner of 32.92 acre parcel the NW ¼ of Section 15, Township 3 North, Range 52 West. Said exemption was recommended favorably by the Planning Commission as submitted with no additional stipulations and conditions. The Board hereby approves said Exemption as recommended by the Planning Commission with no additional stipulations and / or conditions precedent except as herein noted and to wit:

1. The Board must receive the completed signed Mylar within 60 days of the date of this Resolution in order to compete the planning process.

This Resolution was presented at the meeting held on the 22nd day of March 2016, by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Hart and on roll call vote, all votes being yes, the resolution was adopted.

Resolution 72-2016 It was moved by Commissioner Hart and duly seconded by Commissioner Foy to approve the **Exemption from Subdivision** (Case #EX16-05) for the **Harold Fritzler Living Trust** as owner of a 16.22 acre parcel the SW ¼ of Section 2, Township 5 North, Range 54 West. Said exemption was recommended favorably by the Planning Commission as submitted with no additional stipulations and conditions. The Board hereby approves said Exemption as recommended by the Planning Commission with no additional stipulations and / or conditions precedent except as herein noted and to wit:

1. The Board must receive the completed signed Mylar within 60 days of the date of this Resolution in order to compete the planning process.

This Resolution was presented at the meeting held on the 22nd day of March 2016, by Commissioner Hart 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 73-2016 It was moved by Commissioner Hart and duly seconded by Commissioner Foy to approve the **Exemption from Subdivision** (Case #EX16-06) for the **Howlett Family LLC** as owner of two parcels (8.70 acres and 20.06 acres) in the SE¼ of Section 10, Township 2 North, Range 50 West. Although said exemption creates two parcels, the County benefits from having the entire Howlett Subdivision platted. Said exemption was recommended favorably by the Planning Commission as submitted with no additional stipulations and conditions. The Board hereby approves said Exemption as recommended by the Planning Commission with no additional stipulations and / or conditions precedent except as herein noted and to wit:

1. The Board must receive the completed signed Mylar within 60 days of the date of this Resolution in order to compete the planning process.

This Resolution was presented at the meeting held on the 22nd day of March 2016, by Commissioner Hart 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 74-2016 It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Exemption from Subdivision** (Cases #EX16-07 and -08) for **Edward and Connie Corman and Darin and Michelle Corman** as owners of two parcels (2.6 acres and 8.32 acres) in the NW¼ of Section 33, Township 4 North, Range 50 West. Although said exemption creates two parcels, the sole purpose is to allow the younger Cormans to obtain financing on their home as required by the mortgage company as the inclusion of the out buildings constitutes a potential commercial operation. Said exemption was recommended favorably by the Planning Commission as submitted except to request a waiver of one of the exemption fees in the amount of \$100.00. There were no additional stipulations and conditions. The Board hereby approves said Exemption as recommended by the Planning Commission with the exception of waiving the application fee as said fees are used to fund the planning commission member monthly stipend. There are no additional stipulations and / or conditions precedent except as herein noted and to wit:

1. The Board must receive the completed signed Mylar within 60 days of the date of this Resolution in order to complete the planning process.

This Resolution was presented at the meeting held on the 22nd day of March 2016, by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Hart and on roll call vote, all votes being yes, the resolution was adopted as long as there is a change in the easement to the property.

Annie Kuntz, administrator assistant, presented a copy of a previous letter that had been sent to landowners that have an **infestation of Knapweed** on their property reminding them to keep the problem from manifesting itself into a more serious concern by the timely control of spraying the knapweed. Commissioner Laybourn reported she had talked to Ron Kraich, Pest and Weed District supervisor. The board requests that the landowners submit a copy of the 2016 spraying documentation to the Commissioner's Office. Letters are being sent only to the landowners that have property within in the Pest and Weed District. Kuntz will get legal descriptions.

Kuntz asked if she could **update letters for use of facilities at the fairgrounds** during the Fair. There are so many different letters and locations.

2:20 p.m. Chris Packer, County Administrator

Amendment to Rural Economic Development Loan Agreement, Promissory Note, and Security Agreement

THIS AMENDMENT TO AGREEMENT AND PROMISSORY NOTE is made this 23rd day February 2016 between Washington-Yuma Counties Emergency Telephone Service Authority, a Colorado non-Profit Corporation, with an address of 216 East 3rd St., PO Box 96, Yuma, CO 80759 (hereafter the "Non-Profit"). Y-W Electric Association, Inc. of Akron, Colorado, a corporation organized and existing under the laws of the State of Colorado, (hereafter "Y-WEA") and the Washington-Yuma Counties Emergency

Telephone Service Authority, an authority established by an Intergovernmental Agreement between the Board 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 (hereafter the "Authority"), and approved, ratified and confirmed by the Yuma Board of Commissioners and the Washington County Board of Commissioners.

WHEREAS, the Non-Profit and Y-WEA entered into that certain Rural Economic Development Loan Agreement dated April 30, 2014 (the "Agreement") whereby Y-WEA loaned \$600,000 to the Non-Profit for purchase of certain equipment (the "Loan");

WHEREAS, contemporaneously with execution of the original Agreement, the Non-Profit executed a Revolving Loan Fund Promissory Note in the principal sum of Six Hundred Thousand Dollars (\$600,000.00) (the "Promissory Note") and a Security Agreement;

WHEREAS, the Loan proceeds were deposited into the Authority's bank account and the Authority utilized the proceeds to purchase 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; and

WHEREAS, the parties hereto wish to replace the Non-Profit as Borrower under the Agreement and the corresponding Promissory Note and Security Agreement by inserting the Authority as the Borrower.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL AGREEMENTS HEREIN CONTAINED, Y-WEA, the Non-Profit, the Authority and Boards of County Commissioners of Yuma and Washington Counties AGREE AS FOLLOWS:

1. **Term of Amendment:** This Amendment shall become effective on the date of execution, shall remain in effect concurrently with the original Agreement, Promissory Note, and Security Agreement and shall terminate coincidentally therewith.
2. **Amendment Replacing Borrower.**
 - A. It is hereby agreed that any and all references in the original Agreement, the Promissory Note, and the Security Agreement to "Washington-Yuma Counties Emergency Telephone Service Authority, A Colorado Nonprofit Corporation." "W-YETSA," or "Borrower" shall now be deemed to refer to the Authority.
 - B. The Authority hereby assumes and ratifies all terms, representations, warranties and obligations of the Non-Profit in the Agreement, the Promissory Note, and the Security Agreement.
 - C. The Boards of County Commissioners of Washington and Yuma Counties hereby ratify the terms of the Agreement, Promissory Note, Security Agreement and this Amendment pursuant to existing resolutions of said Boards.
3. **Original Agreement, Promissory Note and Security Agreement to remain in full force and effect:** Except as expressly modified herein, the original Agreement shall remain in full force and effect, and this Amendment shall be subject to all the provisions of the original Agreement, Promissory Note, and Security Agreement except as herein modified.

IN WITNESS WHEREOF, *Washington-Yuma Counties Emergency Telephone Service Authority*, a Colorado Nonprofit Corporation, *Washington-Yuma Counties Emergency Telephone Service Authority*, an Authority created by Intergovernmental Agreement, and the Boards of County Commissioners of Yuma and Washington Counties, have caused this Amendment to be signed in their names to be hereunto affixed and attested by its duly authorized official's thereunto and Y-W Electric Association, Inc. has caused this Amendment to be duly executed in its behalf, all as of the day and year first written above. *(Signatures on original document)*

Resolution 75-2016

WHEREAS, pursuant to C.R.S. 30-11-101(1) (d), the Board has the authority to do all acts in relation to property necessary to exercise the corporate and administrative powers of the County; and

WHEREAS, pursuant to C.R.S. 30-11-107 (e) the Board has the authority to manage the concerns of the county; and

WHEREAS, pursuant to the aforementioned, on May 19, 2015 the Board adopted Resolution 79-2015 which authorized the completion of financing for the new County **Nursing Home – Green House Project** pursuant to the terms of the documents; and

WHEREAS, as part of the financing, the Board subsequently adopted Resolution 84-2015 which established two Certificates of Deposit (referred to as Letters of Credit within the Resolution) to be issued by the Bank of Colorado; and

WHEREAS, one of those Letters of Credit was established as Letter of Credit 6600003860 in the amount of \$406,881.00; and

WHEREAS, as part of aforementioned financing package the County is obligated to call that Letter of Credit; and

WHEREAS, funds are available to be transferred from the Road and Bridge Fund (for interior street construction);

WHEREAS, funds are available from the Health Care Fund (as permitted for use through the Health Care Sales Tax revenue); and

WHEREAS, having reviewed this matter at a regularly scheduled Board meeting held on this date 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 authorizes a warrant to be drawn from the Road and Bridge Fund in the amount of \$247,000.00.
2. The Board hereby authorizes a warrant to be drawn from the Heath Care Fund in the amount of \$160,881.00.
3. The County Administrator shall present said warrants for the extinguishment of the aforementioned Letter of Credit.
4. By copy of this Resolution to the Washington County Treasurer, we are advising her of the action taken in relation to this financing transaction.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 22nd day of March 2016 by Commissioner Hart 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 76-2016

WHEREAS, pursuant to C.R.S. 30-11-101(1)(d), the Board has the authority to do all acts in relation to property necessary to exercise the corporate and administrative powers of the County; and

WHEREAS, pursuant to C.R.S. 30-11-107 (e) the Board has the authority to manage the concerns of the County; and

WHEREAS, pursuant to C.R.S. 30-11-101 (l)(i) the Board has the authority to **dispose of county property** by sale of said property if the Board determines it is in the best interests of the County; and

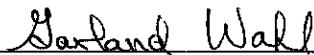
WHEREAS, based upon the aforementioned, the Board has determined to dispose of a **1990 GMC pickup truck** currently in service having reviewed this matter at a regularly scheduled Board meeting held on this date has determine to take the following action.

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

1. The Board hereby proposes the sale of one vehicle, to wit:
1990 GMC Pickup from the Maintenance Department
VIN 1GTC24KOLZ522541
to be sold "as is".
2. The Board hereby directs that said sale will be determined in the best interests of the County. The County Administrator shall report the results to the Board.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 22nd day of March, 2016 by Commissioner Hart who moved its adoption. The motion was seconded by Commissioner Foy and on roll call vote, all votes being yes, the Resolution was adopted.

4:10 p.m. Meeting adjourned.



Garland Wahl, Clerk of the Board



Lea Ann Laybourn, Chairman Board of County Commissioners