

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

March 5, 2024

As reflected in posted agenda:

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/87376587123> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday March 4, 2024.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/87376587123> listen via phone, please dial: 1-312-626-6799, Meeting ID: 873 7658 7123

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/87376587123> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 873 7658 7123

The Board of Morgan County Commissioners met Tuesday, March 5, 2024 at 9:00 a.m. Chairman Mark Arndt, Commissioner Jon Becker, and Commissioner Gordon Westhoff (remotely) were in attendance. Chairman Arndt asked Morgan County Clerk and Recorder, Kevin Strauch to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

Carol Sherbin of 6102 South Mobile St. Centennial, CO spoke about the trailers that were discussed that are in the Naomi Wood subdivision. She stated that following a CORA request to the state, they showed no inspections of the property. Additionally, she noted other issues she had with the process of approval from her perspective including among others: improper permitting and improper zoning. She requested a follow up hearing to be done by the Board of County Commissioners.

Mark Goedert of 108 N. Avenue Pl. Greeley, CO spoke about his belief that the Wood property was improperly inspected and that the county should require a new inspection. He also mentioned that the state inspection did not exist according to the CORA request placed by the state. He stated that he believes that the Planning and Zoning department has falsified records and misled the County Commissioners. He also stated his issues with the cowboy corral on the property.

Pete Wagner of 320 E. Platte Ave, spoke about they are having a listener appreciation lunch at the KFTM Cover Theater for 75 years.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of Contract 2023 CNT 006 Renewal, Lorenzini Farms, Term of Contract January 1, 2024 through December 31, 2024.
2. Ratify the Board of County Commissioners approval of Contract 2024 CNT 030, Specialty Shoppe Floors and More Inc., Term of Contract February 13, 2024 through March 25, 2024.
3. Ratify the Board of County Commissioners approval of Contract 2024 CNT 031, Wall to Wall Enterprises, LLC., Term of Contract February 11, 2024 through February 10, 2025.
4. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #231186, #232477.
5. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #232018.
6. Ratify Chairman Mark Arndt's signature on Notice of Termination of the Agreement between ACI Payments, Inc and Morgan County, Colorado, Effective June 17, 2024.
7. Ratify the Board of County Commissioners approval of Amendment to Lease of Contract 2023 CNT 007, Douglas Chalk, Term of Contract January 1, 2024 through December 31, 2024.
8. Ratify Chairman Mark Arndt's signature on Colorado Works Memorandum of Understanding SFY 23-24 – Annual Reaffirmation, Term of Memorandum July 1, 2022 through June 30, 2025.
9. Ratify the Board of County Commissioners Approval of Contract 2024 CNT 032, Blankenship Equipment, Term of Contract February 14, 2024 Until Completion.
10. Ratify the Board of County Commissioners approval of meeting minutes dated February 20, 2024

At this time, Commissioner Becker made a motion to approve items 1-10 as presented; Commissioner Westhoff seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

2 COMMISSIONERS PROCEEDINGS

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Resolution 2024 BCC 09 A Resolution Granting a Three-Lot Minor Subdivision, known as This is Living Estates Minor Subdivision. (Coy Palmer)

RESOLUTION 2024 BCC 09

A RESOLUTION GRANTING A THREE-LOT MINOR SUBDIVISION, KNOWN AS THIS IS LIVING ESTATES MINOR SUBDIVISION, LOCATED IN THE W½ OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 58 WEST OF THE 6TH OF P.M. MORGAN COUNTY, COLORADO

WHEREAS, Coy Palmer (the "Owner") owns property located in the W½ of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, (the "Property");

WHEREAS, the Owner applied for a three-lot minor subdivision pursuant to the County's Subdivision Regulations ("Application");

WHEREAS, on January 8, 2024, the Morgan County Planning Commission held a duly noticed public hearing on the application;

WHEREAS, during the public hearing, the Planning Commission received testimony and evidence from the Applicant, Morgan County staff and the public and recommended approval;

WHEREAS, on February 6, 2024, the Board of County Commissioners ("Board") held a duly noticed public hearing on the Application;

WHEREAS, during the public hearing, the Board received testimony and evidence from the Applicant, Morgan County staff and the public; and

WHEREAS, the Board desires to approve the Application.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. FINDINGS OF FACT

The Board, having reviewed the application, all information provided and testimony heard, finds that:

- A. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access.
- B. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.
- C. The subdivision is compatible with surrounding land uses.

2. APPROVAL

The Board hereby approves the This is Living Estates Minor Subdivision, located in the W½ of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

DATED this 5th day of March, 2024, *nunc pro tunc* February 6, 2024.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch
Kevin Strauch

COMMISSIONERS PROCEEDINGS 3

Nicole Hay, Planning and Zoning Administrator, presented to the Board Resolution 2024 BCC 09 A Resolution Granting a Three-Lot Minor Subdivision, known as This is Living Estates Minor Subdivision.

Commissioner Westhoff made a motion approve Resolution 2024 BCC 09 A Resolution Granting a Three-Lot Minor Subdivision, known as This is Living Estates Minor Subdivision. Commissioner Becker seconded the motion and motion carried 3-0. The resolution was passed nunc pro tunc.

Consideration of Approval - 2023 Road Mileage Certification, Colorado Department of Transportation.

Morgan County Information Systems Manager, Karol Kopetzky presented to the Board the 2023 Road Mileage Certification, Colorado Department of Transportation. Ms. Kopetzky stated she worked with Public Works Director Bruce Bass on the mileage certification. Ms. Kopetzky outlined the information in detail regarding the report being presented which will be submitted to the State of Colorado. Ms. Kopetzky stated the County is certifying to the State 1,030.207 miles 307.056 miles which are arterial streets and 723.151 miles which are local streets, of those miles, 213.088 are paved roads and 817.119 are unpaved roads. Ms. Kopetzky also provided details regarding the projects that were completed in 2023 by the road and bridge department.

Chairman Arndt thanked the people who work on the roads and reminded everyone that this is how the county gets certain funding.

Commissioner Becker made a motion to approve the 2023 Road Mileage Certification, Colorado Department of Transportation presented by Morgan County Information Systems Manager Karol Kopetzky. Commissioner Westhoff seconded the motion. The motion then carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder, Kevin Strauch reminded citizens that it is election day and asked the citizens to go vote if they haven't.

Roger Dahl, Emergency Manager, reminded everyone that there is a weather spotting class that will be at Morgan Community College on March 13th at six pm in the Bloedorn Lecture Hall. He noted that this is a free opportunity for citizens to learn about weather and how to spot dangerous weather.

Chairman Arndt noted that with Spring incoming, people conducting controlled burns should pay attention to red flag days and the weather before beginning their burn.

Sheriff Dave Martin noted that there is a burn notice phone line that should be used whenever a controlled burn is planned. Chairman Arndt noted the importance of communication when burning as well.

Commissioners reviewed the calendar dated March 1, 2024 through March 12, 2024 with no changes.

Being no further business the meeting was then adjourned at 9:27 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified March 19, 2024)

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

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:30 a.m. on Tuesday, March 5, 2024 in the Assembly Room of the Morgan County Administration Building.

Chairman Mark Arndt and Commissioner Jon Becker were present in person. Commissioner Gordon Westhoff was present via Zoom. Planning and Zoning Administrator Nicole Hay, Planning and Zoning Technician Jenafer Santos, and IT Specialist Karol Kopetzky were also present.

APPLICATION:

Applicants: Ryan L. & Jamia J. Johnson

Landowners: Cheri K. Johnson

Legal Description: A parcel of land located in the S½ of the NW¼ and the NE¼ of the SW¼ of Section 28, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 14285 Hwy 144, Fort Morgan, CO 80701.

Request: 2-Lot Minor Subdivision

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANT: Ryan and Jamia Johnson LANDOWNER: Cheri Johnson

This application is for a 2-lot Minor Subdivision of 40.73 acres located in the S½NW¼ and in the NE¼SW¼ of Section 28, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 14285 Highway 144, Fort Morgan, CO 80701. The property is zoned agricultural production.

Lot 1 will be 16.06 acres and has an existing residence. Lot 2 will be 24.67 acres and is currently vacant.

In reviewing an application for a minor subdivision the Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 8-195 of the Morgan County Subdivision Regulations:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.
The application documents are complete:
- 1) Northeast Colorado Health Department has issued a letter regarding onsite wastewater treatment systems on Lots 1 and 2.
 - 2) One Morgan County Quality Water tap exists for Lot 1 and one tap has been purchased for Lot 2.
 - 3) Both lots will be accessed from one permitted driveway off of State Highway 144.
 - 4) Property is located in the Morgan Fire District.
 - 5) Soil map was provided by the Natural Resources Conservation Service.
 - 6) The applicant notified the mineral rights owners.

- 7) Right to Farm notices were signed by the property owner and provided with the application.
- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan. The subdivision is located in the north central planning area.
Chapter 2, Plan Summary
Goal: Section 2.C.1- To encourage development where proposed development is compatible with existing land uses and access to public infrastructure is established.

Lot 1 has an existing residence and Lot 2 is currently vacant with proposed development of a single family home. Other larger parcels used as single family home sites are in the area. There is access to State Highway 144, Morgan County Quality Water, and Morgan County Rural Electric services.

- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.

All properties adjoining this proposed subdivision north of State Highway 144 are in the Agricultural Production District and consists of pasture and farm ground. The properties on the south side of State Highway 144 are zoned Estate Residential where there are several residences. Buffer is created by the road and/or distance.

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on February 27, 2024.

The Planning Commission recommended approval on a vote of 6 in favor and 0 opposed.

Nicole Hay
Morgan County Planning Administrator

DISCUSSION: Board of County Commissioners to applicant:

At this time, Chairman Arndt asked the applicant if there is anything they would like to add to the application. Ryan & Jamia Johnson presented this application to the Board of County Commissioners.

Commissioner Westhoff asked if there was an agreement regarding the shared access with the maintenance with him and the other landowner? His concern is who will be responsible for the maintenance in the future.

Ryan Johnson answered there is a shared easement shown on the plat. He mentioned there has been other driveways approved in the area with similarities as this one.

Chairman Arndt noted that it's more difficult to get a driveway off of a highway, and that CDOT is encouraging shared driveways. He also noted that it is in the best line of sight for the property. He has received multiple calls from the community and no call was in opposition of the project.

PUBLIC COMMENT OPEN: None

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER COMMENTS: None

Commissioner Becker motioned to approve the 2-Lot Minor Subdivision, applicants being Ryan and Jamia Johnson, landowner being Cheri K. Johnson with the legal description as previously described by the Chair and Director Hay.

Commissioner Westhoff seconded.

Motion carries 3-0.

Being no further business, the meeting was then adjourned at 9:37 a.m.

Respectfully Submitted,
Jenafer Santos
Planning Technician