

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

October 20, 2020

As reflected in posted agenda:

**The County Will Be Abiding By the Social Distancing Requirements in Public Health Order 20-28 for This Meeting. Due To Limited Space In The Assembly Room, Remote Attendance Is Encouraged. If You Have Any Questions Regarding Attending The Meeting, Please Contact Karla Powell at 970-542-3500.**

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/88202909043> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 4 p.m. on Monday October 19, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/88202909043> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 882 0290 9043

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/88202909043> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 882 0290 9043

The Board of Morgan County Commissioners met Tuesday, October 20, 2020 at 9:15 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Jon Becker in attendance.

### CITIZEN'S COMMENT

There was no citizen comment provided.

### ADOPTION OF THE AGENDA

Commissioner Becker made a motion to adopt the agenda as presented, with Commissioner Zwetzig seconding the motion. Motion carried 3-0.

### CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated October 6, 2020
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 125 American Veteran Environmental, Term of Contract October 8, 2020 through completion
3. Ratify Chairman Mark Arndt's signature on the Certification of Local Government Approval for Nonprofit Organizations Receiving ESG Funds from State Sub-recipients signed October 7, 2020
4. Ratify Commissioner Mark Arndt's signature on Town of Wiggins License Agreement, signed October 14, 2020
5. Ratify Commissioner Mark Arndt's signature on 2021 Colorado Counties Casualty & Property Pool Network/Privacy/Media Content Liability Insurance Application, signed October 14, 2020
6. Ratify Commissioner Mark Arndt's signature on Storm Water Inspection Form, Inspection Date October 13, 2020
7. Ratify Commissioner Mark Arndt's signature on Special Waste Acceptance Application-Western Cleanup, signed October 14, 2020
8. Ratify Commissioner Mark Arndt's signature on Special Waste Acceptance Application-Gary DeJohn Jr., signed October 14, 2020
9. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #200783

Commissioner Zwetzig made a motion to approve the consent agenda items 1-9 as presented, with Commissioner Becker seconding the motion. Motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Morgan County Tourism Panel Appointment of Travis Caparo, Best Western Representative**

Morgan County Tourism Marketing Manager, Kristen Clifford-Basil asked the Board to consider the appointment of Travis Capraro, Representative for the Best Western to the Morgan County Tourism Panel with the appointment to expire on December 31, 2020.

Commissioner Becker made a motion to approve the appointment of Travis Capraro, Representative for the Best Western to the Morgan County Tourism Panel with Commissioner Zwetzig seconding the motion and motion carried 3-0.

Ms. Clifford-Basil stated her office will be moving from 300 Main Street to 201 Ensign Street in the near future.

#### **Sheriff's Office Swearing-In of Officers**

Sheriff Dave Martin swore in the following officers: Joseph Dewayne Meriam, Michael Dean Banks, and Sarah Jo Montana.

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## Consideration of Approval – BID Tabulation – RFP 2020-1014-003 Propane Fuel Bid

Morgan County Public Works Director, Bruce Bass presented to the Board for approval Bid Award 2020-1014-003 Propane Fuel Bid for the winter use of propane. Mr. Bass stated he received two bids from CHS - Wiggins Office in the amount of \$0.94 per gallon and Hill Petroleum in the amount of \$1.091 per gallon for the Weldona site and \$1.09 per gallon for the Wiggins site and the Landfill.

At this time, Mr. Bass recommend to the Board to award the bid to the lowest bidder CHS-Wiggins in the amount of \$0.94 per gallon, pricing to include delivery to all locations.

Commissioner Zwetzig made a motion to approve bid award RFP 2020-1014-003 Propane Fuel Bid to CHS-Wiggins in the amount of \$0.94 per gallon as outlined and recommended by Morgan County Public Works Director, Bruce Bass. Commissioner Becker seconded the motion. At this time, the motion carried 3-0.

## UNFINISHED BUSINESS

There was no unfinished business.

## COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated October 16, 2020, 2020 through October 27, 2020 with no changes.

Public Works Director Bruce Bass presented the road report ending October 16, 2020 reading the report into the minutes.

Morgan County Public Works Director, Bruce Bass presented to the Board a consideration of approval of a stop sign installation at the intersection of County Road O and County Road, Morgan County, Colorado. Mr. Bass noted this is the first reading of the matter and the matter will be on the board's agenda for November 10, 2020 for approval. Mr. Bass stated this information has been reviewed by the Morgan County Sheriff. At this time, Mr. Bass read aloud the proposed resolution 2020 BCC 31, into the record. Mr. Bass stated there will be a map posted on the county's website reflecting the locations as well as the information from the Morgan County Sheriff. Chairman Arndt noted this arose from a citizen's complaint with Sheriff Martin confirming this information and providing the details of the complaint received. Sheriff Martin stated that Officer Burl Giffin, Colorado State Patrol has also reviewed the location and agreed with his recommendation. Mr. Bass asked if the Board would like for him to amend the resolution to include the information that this has been recommended by the Colorado State Patrol as well.

Chairman Arndt stated the actual date this matter will be heard on November 10, 2020 at the board meeting stating this allows for citizens to review this proposal prior to action being taken for approval.

Building Maintenance Director, Dave Cornwell and Fairgrounds Manager Jim Tormohlen provided the Fairgrounds Volunteer Report expressing their gratitude for the efforts and work that was provided by the students of the Brush High School. Mr. Cornwell also provided an update regarding the remodel of the building located at 201 Ensign Street.

Dusty Johnson, Northeast Area Representative for Congressman Ken Buck provided a Legislative Update and introduced Garrett Vantry, Chief of Staff and Robin Coran, District Director and Travis Grant, Southeast Area Representative. Commissioner Becker expressed his appreciation of Congressman Buck's efforts for Northeastern Colorado as well as the State of Colorado with Commissioner Zwetzig expressing his appreciation of Congressman Buck's support of agriculture.

Morgan County Clerk and Recorder Susan L. Bailey provided an update regarding the upcoming General Election.

A short recess was taken prior to the public hearing scheduled to allow for everyone to be seated.

## PUBLIC HEARING

Chairman Arndt called the hearing to order at 10:07 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner James Zwetzig, Commissioner Jon Becker, Morgan County Planning Zoning Director Pam Cherry and County Attorney Kathryn Sellars who was appearing remotely.

## **Continued from October 6, 2020**

**1. AGPROfessionals** – Applicant

**Innovative Properties LTD** - Landowner

**Legal Description** - Located in the SW¼ of the SW¼ of Section 22, Township 3 North, Range 60 West of the 6<sup>th</sup> P.M. Morgan County, Colorado, and addressed as 14026 County Road 3, Wiggins, CO 80654.

Parcel numbers 1223-220-00-007 and

1223-220-00-003

**Reason** - Use by Special Review to operate a commercial construction storage facility and associated offices on two parcels

**Date of Application**: June 24, 2020

Ms. Cherry explained that on October 6, 2020 the Board continued this hearing pending the receipt of additional information which was received on Thursday, October 15, 2020. The Board requested that the Site Plan be

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resubmitted showing all items as required pursuant to requirements of the mapping requirements of the zoning regulations.

Ms. Cherry stated the resubmitted items include:

1. Floodplain Development Permit application
2. Title Work – dated April 20, 2020
3. Right to Farm
4. Updated permit narrative
5. Updated site plan for the Special Use and the Floodplain Permit

Items that are deficient and required to be shown on the site plan include:

- a. Date of drawing preparation
- b. Surveyed legal description of special use area
- c. South access location shown in ditch location
- d. Vicinity map to show SUP location
- e. Setback distances – shop does not appear to meet the setback requirement from the exemption property line – existing shop does not meet setbacks requirements and a floodplain development permit would also have been required (she stated what the possible solutions would be to correct this)
- f. Trash location

At this time, Chairman Arndt asked if the applicant had any further information to add at which time the applicant stated their name as being Shannon Toomey, AGPROfessionals, 3050 67<sup>th</sup> Avenue, Greeley, CO, explained what they have provided to the Planning Administrator since the previous hearing and stated they have attempted to address questions that were asked by the Planning Administrator which did occur late yesterday. She stated the only thing that would remain is the existing shop, being five feet from the interior line and not sure what would apply, and would be happy to do what would be required to solve this issue.

Discussion followed regarding if the variance is applied for, and both properties being under the same ownership at this time, but the shop was built prior to this matter. Ms. Toomey stated the building has been there since at least 2013. Chairman Arndt asked about the floodplain development, with Ms. Toomey stating they did submit a floodplain development permit last week, and explained what the permit would be for. She stated they are waiting to see if everything has been satisfied and for further comments if there should be anything else necessary. Ms. Cherry provided a response to the discussion.

Tim Naylor, AGPROfessionals, stated they would be happy to work with staff to complete whatever is necessary explaining in detail the information provided. Discussion followed regarding the setback concerns, with Ms. Sellars stating it being two legal properties and the applicant has options, they could move the lot line to the west, they could eliminate it, and have options on the exemption site. Mr. Naylor stated he has spoken with the landowner explaining they believe it would be in his best interest to amend the lot line and outlined his recommendation to the landowner feeling it will make it cleaner for everyone and it would be best. Commissioner Zwetzig suggested that the gravel be moved back by five feet to meet the setback required in that location with Mr. Naylor stating they are in agreement. Mr. Naylor also stated their desire to maintain the farmland. Ms. Cherry asked about the water supply on the farmland, as if it falls below the 35 acres, it requires its own water supply. Mr. Naylor stated they would adjust it to remain at 35 acres in moving the lot line. He further stated the idea of this business is a staging area, not a storage area, and do not anticipate using the majority of the property so could make the necessary adjustments.

Mr. Naylor asked about FEMA working on the flood development map changes, and he has not seen Morgan County's changes to see if that is going to affect this property, with the Board stating the new map is online for review. Mr. Naylor stated they believe this project is the least restrictive to the area and will not bring many impacts to the area.

It was clarified that the intent is to amend the original request and outlined what that amendment would entail, with Mr. Naylor stating that is correct and they will work with Ms. Cherry to get this taken care of. It was discussed they can reduce the SUP to the exempted five acre parcel, which would eliminate the SUP to have to go away if the parcels were sold. Mr. Naylor stated they would provide an updated SUP plat once the amendment is completed to show the area. Discussion ensued regarding the farmland as being a buffer and the SUP status.

After lengthy discussion, and at the request of Commissioner Zwetzig, County Attorney Kathryn Sellars read aloud the proposed conditions for approval of the permit as follows:

- No retail activities on the property.
- Hours of operation – 7 a.m. to 6 p.m. Equipment cannot be exercised/operated outside hours of operation; however, Owner is allowed to deliver and return equipment outside operating hours.
- No equipment owned by third parties may be stored on the property.
- Any future lighting must be downcast and be approved by the Planning Administrator prior to installation.
- No hazardous material may be stored on the property.
- In event future hard surfacing (including gravel, crushed concrete or asphalt) is installed, prior to installation, the planning administrator shall require approval of stormwater management plan.
- Owner shall seek and obtain an amendment to the subdivision exemption to resolve any encroachments into existing setbacks. Updated SUP site plan must be submitted when amendment to subdivision exemption is approved.

Commissioner Zwetzig made the motion to approve the Use by Special Review to operate a commercial construction storage facility and associated offices on two parcels, with the legal description being located in the

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SW¼ of the SW¼ of Section 22, Township 3 North, Range 60 West of the 6<sup>th</sup> P.M. Morgan County, Colorado, and addressed as 14026 County Road 3, Wiggins, CO 80654. Parcel numbers 1223-220-00-007 and 1223-220-00-003, AGPROfessionals the applicant and Innovative Properties LTD the Landowner with the stipulated conditions as stated by County Attorney Sellars pending receipt of an amended parcel and corrected SUP. Clarification was made as to the SUP, with the applicant noting their agreement with the conditions, explaining the farmland should not have been part of the application at all. Commissioner Becker seconded the motion and at this time, the motion carried 3-0.

Chairman Arndt asked if there was any further business to bring before the Board, and upon hearing none, the meeting was adjourned at 10:36 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board  
(Minutes ratified October 27, 2020)

## THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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s/James P. Zwetzig  
James P. Zwetzig, Commissioner

(SEAL)

**ATTEST:**

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s/ Susan L. Bailey  
Susan L. Bailey