

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting July 11, 2017

The Board of Morgan County Commissioners met Tuesday, July 11, 2017 at 9:02 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 Administrative Services Manager Kristi Waite to lead the meeting in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

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

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of meeting minutes dated June 27, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 137, Cobitco Inc, emulsified asphalt, Term of Contract June 13, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 138, Language Line Services, language translation services, Term of Contract April 29, 2017 through April 28, 2018
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 139, EC Power Systems, service and maintenance on generator located at Jess Tower, Term of Contract July 1, 2017 through June 30, 2018
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 140, EC Power Systems, service and maintenance on generator located at Pawnee Tower, Term of Contract July 1, 2017 through June 30, 2018
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 141, The Tyler Walker Band, county fair entertainment, Term of Contract August 8, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 142, A & R Automotive, alignment on unit #5499, Term of Contract June 28, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 143, Bohm Farm & Ranch Inc., metal recycling, Term of Contract June 22, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 144, A & R Automotive, alignment on unit #5300, Term of Contract June 26, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 145, ERI Direct, recycling of CRT's at landfill, Term of Contract June 19, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 146, Premier Fire Protection, inspect Judicial Center and DHS building sprinkler systems, Term of Contract June 21, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 147, SRI Incorporated, tax sale internet Auction services, Term of Contract June 27, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 148, MJ's Garage Service, replace opener at Fleet Shop, Term of Contract June 9, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 149, Multi-Bank Securities Inc, set up brokerage account and utilize eConnect Direct program, Term of Contract June 12, 2017 until completed
- Ratify the Board of County Commissioners approval on Grant 2017 GRA 09, Colorado Dept of Health Care Policy & Financing, HCPF grant for Medicaid, approved on June 26, 2017
- Ratify the Board of County Commissioners approval to write off the balance on ambulance client #171800 as it was billed in error
- Ratify Commissioner Mark Arndt's signature on a response letter to the Wiggins Outwest Senior Center in regards to financial assistance signed on June 29, 2017
- Ratify Chairman Jim Zwetzig's signature on assignment of debt collection to Wakefield and Associates for Morgan County Ambulance Service client #112000, 130228, 130226, 130026
- Ratify the Board of County Commissioners approval on the Morgan County Public Trustee Report for the period of April 2017 through June 2017 approved on July 7, 2017
- Ratify the Board of County Commissioners approval of the Veterans Affairs report for the month of June 2017

Commissioner Teague made a motion to approve all items on the Consent Agenda as presented. Commissioner Arndt seconded the motion and motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RESOLUTION – 2017 BCC 22 – A Resolution approving a variance from minimum front yard setback for the replat of lots 39, 40 and 45, of The Blue Sky Preserve, 40 Preserve Drive, Fort Morgan, Colorado

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2017 BCC 22

A RESOLUTION APPROVING A VARIANCE FROM MINIMUM FRONT YARD SET BACK FOR THE REPLAT OF LOTS 39, 40 AND 45, OF THE BLUE SKY PRESERVE, 40 PRESERVE DRIVE, FORT MORGAN, COLORADO.

WHEREAS, Baessler Residential Colorado, LLC, (“Owner”) owns property located at 40 Preserve Drive, Fort Morgan, Colorado 80701 (“Property”) located in the Planned Development Zone;

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WHEREAS, the Owner has submitted an application for a variance from minimum front yard setback pursuant to Sec. 5-115 of the Morgan County Zoning Regulations for the structure currently located on the Property;

WHEREAS, the required front setback for Planned Development Zone is 50 feet pursuant to the Declaration of Covenants for Blue Sky recorded at reception number 810637 on July 31, 2003 in the office of the Morgan County Clerk and Recorder;

WHEREAS Resolution 2003 BCC 20, recorded with the Morgan County Clerk and Recorder on July 31, 2003 with a reception number of 810636 approves and binds the developer and successors of the Blue Sky PD to the Declaration of Covenants recorded;

WHEREAS, the Owner has requested a variance of varying lengths from the required setback as shown on the Site & Grading Plan, attached hereto as **Exhibit A** and incorporated by this reference;

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, held a properly noticed public hearing on June 20, 2017;

WHEREAS, the Board of County Commissioners heard testimony from the applicant regarding the application in which he stated that the home is complete and located on a cul-de-sac so is an odd shape causing confusion in setbacks;

WHEREAS, the Board of County Commissioners heard testimony from the Morgan County Building Inspector who recommended approval that there are no outstanding issues that would delay the issuance of a Certificate of Occupancy;

WHEREAS, the Board of County Commissioners heard testimony from the Morgan County Planning Administrator who recommended approval of the application; and

WHEREAS, there was no public comment on this application.

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

1. The BoCC, having reviewed the application, all information provided, testimony heard, and the criteria for approval of a variance pursuant to the County's Zoning Regulations, finds that:
 - a. There had been an error on the plot plan for issuance of a building permit that caused by misinterpretation of the setback regulation that had not been identified by the Blue Sky Preserve Architectural Committee or the applicant.
 - b. The granting of the variance is not detrimental to the public good or contrary to the purpose and intent of these Regulations.
2. The BoCC hereby approves the variance as shown on Exhibit A.

Dated this 11th day of July, 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 Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry presented to the Board for approval, Resolution 2017 BCC 22, a Resolution approving a variance from minimum front yard setback for the replat of lots 39, 40 and 45, of The Blue Sky Preserve, 40 Preserve Drive, Fort Morgan, Colorado. Ms. Cherry stated this request was from Baessler Homes for approval of a reduction of the setback of 50 feet to 27 feet. She stated the setback error resulted in the misinterpretation of zoning regulations. Chairman Zwetzig noted this matter has been previously approved and the Board is now formalizing the approval by resolution.

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Commissioner Arndt made a motion to approve Resolution 2017 BCC 22 a Resolution approving a variance from minimum front yard setback for the replat of lots 39, 40 and 45, of The Blue Sky Preserve, 40 Preserve Drive, Fort Morgan, Colorado, as outlined Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry. Commissioner Teague seconded the motion and asked about the replat of the lots as to how this will occur, with Ms. Cherry stating with the amendment being referenced will be completed through a process and the previous replat was something that was done through the Planning and Zoning Department. At this time, the motion carried 3-0.

Consideration of Approval – FIREWORKS DISPLAY – Andy Mitchell

Morgan County Administrative Services Manager Kristi Waite presented to the Board the application submitted by Andy Mitchell for a Fireworks Display Permit on August 5, 2017 with no rain date. The location for the fireworks display will take place at 27693 County Road R Brush, CO. Ms. Waite stated the necessary paperwork has been submitted and the Brush Department has approved this fireworks permit. Discussion followed with this fireworks display occurring the same evening of the Morgan County Fair Goat Show and other events that were of concern to the Commissioners. Commissioner Arndt stated the bull riding event commences at 7 p.m. and should end by 10 p.m. and suggested the Board check with those coordinating the event to be sure this will not be of concern.

At this time, Commissioner Teague made a motion to table the fireworks display permit until a later date when their questions about the events at the County Fair can be answered, with Commissioner Arndt seconding the motion. At this time, the motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated July 7, 2017 through July 18, 2017 with no changes.

Morgan County Clerk and Recorder, Susan Bailey, updated the Board about the recent installation of the new election equipment. She stated that her office will be scheduling a presentation of the new equipment and will invite the department managers and elected officials to participate in a “mock election process”. Chairman Zwetzig asked Ms. Bailey if she had any comments regarding the security of the election process with Ms. Bailey indicating that the Colorado Secretary of State Wayne Williams as being very diligent in making Colorado a safe and secure State when it comes to the election process and Ms. Bailey indicated that the voting equipment is stand alone equipment and is not connected to the internet, and does not have any capability of being connected. Ms. Bailey stated she is very confident in knowing that voters are being protected to the fullest and the voting processes are not being compromised.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN’S COMMENT

Karissa Gayosso, 1629 4th Street, Orchard, Colorado presented to the Board stating she grew up in Orchard and recently bought a plot in Orchard to build her future home. She further stated that when she bought the plot of land she was strongly encouraged by the Assessor’s office to attempt to vacate the “official” but unofficial alleyway. She shared pictures with the Board indicating the location of the alleyway in question, between 4th Street and Dunreath Avenue. She approached the Board with those diagrams and maps she was referencing.

She indicated the alleyway in question is not accessed, shows no roadway and further requested vacation of the alleyway, stating it is mainly for tax purposes whereas she would be able to combine the lots in question which would allow her lots to be under one residential property address.

Chairman Zwetzig made mention that the Board did obtain information regarding this matter and have been informed that there are utilities located in this alleyway, namely Wiggins Fiber Optics that are located in this alleyway, and they would not be able to build on top of this infrastructure, as there is an easement in this area for this utility. Chairman Zwetzig also mentioned that there is a landowner to the south where the Board would prefer to vacate an alleyway in its entirety and asked if she had spoken to the landowner to the south. Ms. Gayosso stated this landowner is who sold her the lots and is possibly going to sell the remainder of the lots to her and has spoken with him. Further discussion followed with the fact that this area in question is a public right of way and if this matter is pursued, it would become a public matter. Commissioner Arndt suggested that Ms. Gayosso speak with Wiggins Telephone Company in regards to this utility being located in this alleyway and also asked about Morgan County Quality Water District with Ms. Gayosso stating she has spoken with Morgan County Quality Water District and is under the impression there is no water tap located in the area of question and further indicated that she was under the impression that Wiggins Telephone Company’s infrastructure is in the front of the area in question, but could be incorrect.

Commissioner Teague mentioned the normal procedure that is followed is the Board retains the utility easements in place and explained the formal process in proceeding to a public comment on the matter.

It was suggested that Ms. Gayosso speak with Wiggins Telephone and retain information from them to provide to the Commissioners any information pertaining to this matter.

Being no further business, the meeting was adjourned at 9:23 a.m.

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Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified July 18, 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