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BOARD OF COUNTY COMMISSIONERS Minutes of Meeting March 10, 2020

The Board of Morgan County Commissioners met Tuesday, March 10, 2020 at 9:03 a.m. with Chairman Mark Arndt, Commissioner Jon Becker and Commissioner James Zwetzig in attendance. Chairman Arndt asked Morgan County Attorney Jeff Parker to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

Ken Archuletta, 32635 County Road Y.4, appeared questioning a cell tower (Viaero) has installed a pole for cellular capabilities adjacent to him. He stated that he had spoken with the board before and there was the requirement for permits to be pulled and adjacent landowners are to have been notified. Chairman Arndt confirmed that the cell tower is located in the alleyway, and asked County Attorney Jeff Parker about the rules surrounding the location of cell towers. Mr. Parker stated he would be happy to look into the information further and Mr. Archuletta stated it is located in the alleyway and to his knowledge he was not notified that this was being installed; it just appeared yesterday morning and asked why there was no notification as to this process going on. Mr. Archuletta further expressed his frustration over the fact they have been working for the last year to get the citizens of Snyder to abide by the rules and now feels that it is concerning if not everyone is being required to abide by the rules. He stated he has spoken with the Board before and asked about the mapping right off of Highway 71, he did question it and was told that he would be notified given he was an adjacent landowner.

Commissioner Zwetzig commented what occurred at one time the location of this used to require a special use permit and with legal guidance, it was determined that is not necessary and it has now gone through the road and bridge department, and County Attorney Parker stated there are permit requirements for certain uses and other zones there may not be the required permit. Discussion ensued between Mr. Archuletta and Mr. Parker with Mr. Parker stating he would like to look further into the matter before making further comment as to this specific situation. Chairman Arndt noted there will be no generator tied to this tower, with Mr. Archuletta stating that was not his understanding.

Terrance Johnson, lives in Snyder, right next to this cell tower, stated he also has concerns about this and made note of the setback requirements set forth by the County and the fact it is two feet from the property line and in addition it violates the height requirements, stating it is 52 feet tall. He asked who stated they gave permission for the installation of this tower as this is something that should be voted on by the people of Snyder. County Attorney Mr. Parker stated he wants to look further into this matter and explained that he will be advising the Board of his findings, and Mr. Johnson can contact the Board further. Mr. Johnson also stated that under FCC regulations, there is the permit requirement of an impact statement, an environmental impact study, and a permit for the height requirement and that has not been done.

AGENDA

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

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated February 25, 2020
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 037, ACI Payments, Inc., Term of Contract June 16, 2020 through June 15, 2021
3. Ratify the Board of County Commissioners approval of Contract 2020 CNT 038, On Site Electronics Recycling dba IT Refresh, Term of Contract February 24, 2020 through December 31, 2020
4. Ratify the Board of County Commissioners approval of Contract 2020 CNT 039, Electronic Recyclers International, Term of Contract January 1, 2020 through December 31, 2020
5. Ratify the Board of County Commissioners approval of Contract 2020 CNT 040, Central Visitation Program, Term of Contract February 1, 2020 through completion
6. Ratify the Board of County Commissioners approval of Grant Award 2020 GRA 01, HAVA-Help America Vote Act, Award Date January 16, 2020
7. Ratify the Board of County Commissioners approval of Grant Award 2020 GRA 02, SIPA-Statewide Internet Portal Authority, Award Date February 13, 2020
8. Ratify Chairman Mark Arndt's signature on Morgan County 911 Esinet Telephone Upgrade Grant Application, signed March 2, 2020
9. Ratify the Board of County Commissioners approval of Intergovernmental Agreement 2020 IGA 04, Washington County-Gravel Pit, Term of Contract January 1, 2020 through December 31, 2020
10. Ratify the Board of County Commissioners approval of the Morgan County Fairgrounds Fee Waiver Request for East Morgan County Hospital for event date October 17, 2020
11. Ratify Chairman Mark Arndt's signature on County Road Y.5 letter to Spencer Farnik signed February 24, 2020
12. Ratify Chairman Mark Arndt's signature on the Veterans Officer report for the month of February 2020
13. Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #191558, #192706, #191910, #192170, #192543

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Commissioner Becker made a motion to approve items 1-13 as presented, Commissioner Zwetzig seconded the motion. At this time the motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Stop Sign Installation at the Intersections of County Road Y and County Roads 19, 20 and 21, Morgan County, Colorado (Prepared Resolution, 2020 BCC _____)

Chairman Arndt stated this is considered the two week period of time to allow for public comment regarding the proposed stop sign placements reading aloud those locations. At this time, Morgan County Public Works Director, Bruce Bass, presented to the Board for approval, for a Stop Sign Installation at the Intersections of County Road Y and County Roads 19, 20 and 21, Morgan County, Colorado. Mr. Bass stated the purpose of these stop sign locations is due to the change in the surface tops from County Road 18 to County Road 21, changing from dirt to asphalt, which has created the ability for higher speeds being driven on these sections of roadway. At this time, Mr. Bass read aloud the resolution as prepared indicating the resolution will be dated upon the adoption of this resolution. Chairman Arndt noted there is a map designating the locations of these stop signs and this map will be available on the Morgan County website for consideration of adoption on March 24, 2020 at 9:00 a.m.

Consideration of Approval – RFP 2020-0227-002 – Fuel Bid Tabulation

Morgan County Public Works Director, Bruce Bass, presented to the Board for approval Bid Award RFP 2020-0227-002– Fuel Bid Tabulation. Mr. Bass stated he received one bill From Hill Petroleum and read aloud the bid details. At this time, Mr. Goodman recommended to the Board to award the bid to the lowest bidder, Hill Petroleum, with pricing to include delivery to all locations. Mr. Bass noted this is identical to the pricing Hill Petroleum contracted with Morgan County for the previous six month period.

Commissioner Becker made a motion to approve bid award RFP 2020-0227-002– Fuel Bid to Hill Petroleum as outlined and recommended by Morgan County Public Works Director, Bruce Bass in the amount of \$11,829.10. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RFP 2020-0227-003 Automotive Filters Bid Tabulation

Morgan County Public Works Director, Bruce Bass, presented to the Board for approval Bid Award RFP 2020-0227-003 Automotive Filters Bid Tabulation. Mr. Bass stated he received three actual returns in response to this bid process, one from Central Auto Parts, a NAPA Wix filter, Parts Smart Carquest, a Baldwin filter, and Sailsbery Supply, a Baldwin filter. He further summarized the individual bids submitted from each vendor stating this bid is for a one year period of time. At this time Mr. Bass recommended the bid be awarded to Central Auto in the sample amount of \$557.59 for the NAPA – WIX filters as submitted indicating this vendor did submit the lowest bid.

Commissioner Zwetzig made a motion to approve Bid RFP 2020-0227-003 Automotive Filters Bid Tabulation to Central Auto for in the sample amount of \$557.59 as recommended by Morgan County Public Works Director Bruce Bass with Commissioner Becker seconding the motion. At this time motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated March 6, 2020 through March 17, 2020 with no changes.

County Clerk Susan Bailey provided an update regarding the recent Presidential Primary Election.

Commissioner Zwetzig provided an update regarding his recent attendance at the NACO conference explaining about the current administration at the federal level allowing input from the local levels in how the federal monies will be distributed and also made comment that federal funding is distributed based on the census results, so asked that all citizens participate and report for census.

Commissioner Arndt submitted the road report ending February 28, 2020 as well as the report for the week ending March 6, 2020 reading both reports into the minutes.

PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:33 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Jon Becker. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and Jeff Parker, County Attorney. Chairman Arndt made note the Board will be reviewing the resolution prepared in this matter, as Resolution 2020 BCC 07.

Consideration of Approval – (Resolution 2020 BCC 07) Proposed Amendments to various sections of the Morgan County Subdivision Regulations related to school site dedications and determination of fee in lieu.

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MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2020 BCC 07

A RESOLUTION AMENDING THE MORGAN COUNTY SUBDIVISION REGULATIONS CONCERNING SCHOOL SITE DEDICATION AND FEES IN LIEU

WHEREAS, the County's provisions regarding school site dedication does not provide a clear process for determining the amount of a necessary school site dedication and calculation of a fee in lieu;

WHEREAS, further, the County has determined that it is in the best interest of its citizens to clarify the role of the school districts in Morgan County in the subdivision process and any necessity for school site dedication and fees in lieu of such dedication;

WHEREAS, on January 13, 2020, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval;

WHEREAS, on March 10, 2020 the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

WHEREAS, the Board of County Commissioners has complied with all relevant provisions for amending the Morgan County Subdivision Regulations; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds these amendments to be in the best interest of the citizens of Morgan County.

NOW THEREFORE BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

Section 1. Section 4-100(C) of the Morgan County Subdivision Regulations shall be amended to read as follows:

New subdivisions shall provide safe, convenient travel routes to and from and within the subdivision. Each lot shall provide a desirable setting for construction so that natural features of the land may be preserved, views protected, privacy permitted and screening from traffic ways made possible. Area needs for flood channels, open spaces, parks, schools, fire stations, water and sewage treatment facilities and similar community facilities must be provided depending on the location and/or density of each development.

Section 2. Sections 5-120(A) and (B) of the Morgan County Subdivision Regulations shall be amended to read as follows:

(A) General

The County, upon consideration of the particular type of development proposed in the subdivision, may require the dedication or reservation of areas or sites of a character, extent and location suitable for public use for roadways, schools, parks, flood channels, historic sites, scenic areas, and other necessary public purposes. All dedications and reservations for parks and open spaces must meet the requirements of these Regulations for these uses.

(B) Roads and Streets

All roads and road right-of-way and improvements in the subdivision classified as a collector, arterial, major roadway other than local or residential streets. Public roads must be dedicated and accepted by the County for public use. Roads not accepted by the County for public use will remain private roads. Property maintenance or owners association are encouraged for maintenance of private roads.

Section 3. Section 5-120(G)(3) of the Morgan County Subdivision Regulations shall be amended to read as follows:

With the approval of the Board, the subdivider may be required, in lieu of Sections 5-120 (G)(1) and 5-120 (G)(2) above, to pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are to be calculated in the following manner:

(a) Fees shall be calculated based on the fair market value of the unimproved land immediately prior to the platting, but with the zoning district classification existing at the time of platting that is consistent with the plat application's intended use.

(b) All fees-in-lieu of dedications are to be paid prior to the approval of the Final Plat.

(c) For subdivisions that are platted in phases, the above calculations can be made on a phase-by-phase basis through methods to be devised by the Commission and/or Board realizing that by

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virtue of developing one phase, the value of the undeveloped adjacent phase will increase. The subdivider has the option of paying the fees for all phases upon the due date of fees for the first phase.

Section 4. Section 5-120(G)(4)(b)(vi) of the Morgan County Subdivision Regulations shall be deleted in its entirety.

Section 5. Section 5-120(H) of the Morgan County Subdivision Regulations shall be amended to read as follows:

(H) School Site Dedications

(1) All new residential and mixed-use (containing residential uses) subdivisions shall provide for school sites or fees-in-lieu in accordance with these Regulations. Commercial, industrial, subdivision exemptions, subdivisions under Chapter 10 of these Regulations and other non-residential subdivisions shall be exempt from the school site dedication requirements.

(2) Land dedication sites must be presented on the preliminary plat for major subdivisions and on the final plat for minor subdivisions. All land to be dedicated as required by this section and these Regulations, shall be designated as outlots and these outlots shall not be building lots. Land areas that shall not be acceptable in determining the fulfillment of the requirements for the provision of land areas for public school sites shall include the following:

(a) Natural drainage ways, streams, gullies, and rivers including all lands within the 100 year flood plain, unless the school district specifically accepts a certain portion for a reasonable use.

(b) Rights-of-way and/or easements for irrigation ditches and aqueducts.

(c) Steep, rugged, and hazardous geological land areas, and such other areas as are not conducive for use as school sites.

(3) All lands dedicated for schools shall be conveyed to the County or applicable school district, as directed by the Board, by warranty deed and clearly identified on the face of the plat document as an outlot, and not as a buildable lot. The conveyance of land shall be required at the same time as the final plat for the subdivision. Land conveyed to the County for public school sites may be subsequently transferred and conveyed to the appropriate school district.

(4) The Board shall not require a dedication of land for school purposes in the absence of an impact statement showing justification for and necessity of a dedication of land by the appropriate school district, at the time of referral of the preliminary plat application for a major subdivision and the final plat for minor subdivisions. The statement shall include, but not be limited to the following factors:

(a) Estimate of the anticipated growth in the new development area.

(b) Cost of the facility required to serve the new development.

(c) Determination of the area that will benefit from construction of the new facility. If existing developed areas will benefit significantly through improved services or direct access to improved facilities, the total benefits should be allocated between new and existing areas.

(d) Estimate of the portion of the costs of new facilities attributable to the need to serve new development divided by the estimated number of new residents or the amount of anticipated new development to arrive at a preliminary "per resident," "per housing unit", or "per square foot" charge.

(e) If any current taxes or mandatory charges levied on the new development are being used to pay for the same type of facility for which the dedication or fee is being required, adjustment of the preliminary charge to "credit" the new development with the money already being contributed to similar facilities in the County demonstrate a direct benefit to the residents of the proposed subdivision.

(5) The amount of school land to be dedicated for a subdivision shall be determined in accordance with the following procedures:

(a) Acreage per student (APS) shall be based upon the following:

	Capacity	Recommend Acreage
Elementary School	485	15 acres
Middle School	615	26 acres

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High School	820	38 acres
Total	1,950	79.5 acres
Average Summary		
Acres per student		.04077

(b) The amount of land to be dedicated shall be based upon the student population generated per dwelling type (G) at each education level. Generation rates shall be supplied by the school district seeking a dedication and the County may request additional information from the school district to support the generation rates.

(c) The amount of land to be dedicated shall further be based upon the maximum number of dwelling units ("DU") that could potentially be constructed on the new subdivision as it will be zoned and platted. Existing dwellings shall be excluded from the calculation of the school land dedication requirements unless the lot allows for greater density of residential development.

(d) From the foregoing, the number of acres required per subdivision shall be calculated as follows:

$$(G*APS)*DU = \text{Acres Required}$$

(4) A fee-in-lieu of land dedication shall be required when determined by the Board to be more appropriate in satisfying the needs of the school district and proposed subdivision. Considerations for such determination shall include without limitation the size of the subdivision, the expansion capacity of existing school sites, and the quality or appropriateness of available dedication sites. Any fee-in-lieu of land dedication shall be paid directly to the appropriate school district with notice of such payment provided to the County. Full payment of any fee-in-lieu of dedication shall be required prior to the recording of the final plat for the subdivision. The Board can require a cash payment-in-lieu of dedicating land, or a cash payment in combination with a land dedication,

(5) The amount of the fee-in-lieu of dedication shall be based on the unimproved fair market value of the land. Payment shall not exceed the fair market value of the land that would have been dedicated to the County or other school district. If a combination of land dedication and payment is applied, the combination of both land dedication and payment shall not exceed the fair market value of the total required dedication of sites and land areas.

APPROVED this 10th day of March, 2020.

**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/James P. Zwetzig
James P. Zwetzig, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry read aloud Resolution 2020 BCC 07, a Resolution Amending the Morgan County Subdivision Regulations Concerning the School Site Dedications and Determination of Fees in Lieu.

Pam Cherry, Planning Administrator, stated the Planning Commission considered this resolution on January 13, 2020 that establishes a clear process to determine the amount of school site dedication or a fee in lieu. It also establishes that each subdivision shall provide safe, convenient travel routes to and from and within the subdivision. Also addressed is the desire to preserve natural features, protect views with consideration for need for flood channels, open space, parks, fire stations and other infrastructure needs depending on the location and/or density of each development. She further stated that the Planning Commission unanimously recommended approval with seven members in attendance.

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County Attorney Jeff Parker stated there were a number of changes made to the County's current regulations explaining the changes that have been made in detail. Discussion ensued with questions from Chairman Arndt being answered by County Attorney Jeff Parker.

At this time, Chairman Arndt opened the matter for public comment in which there was none.

At this time, Chairman Arndt moved into discussion and decision. Commissioner Zwetzig provided clarifying comments at this time regarding the matter with County Attorney Jeff Parker responding to the comments. Commissioner Becker also made comments regarding the matter regarding the fees expressing his questions and concerns with Mr. Parker providing an answer. As questioned, Mr. Parker, provided an explanation of the difference between impact fees and exaction fees. Chairman Arndt commented regarding the suggestion to add the information to the plat as to where this suggestion should be documented, with Mr. Parker stating how he believes would be best to indicate that as a requirement.

Commissioner Becker made a motion to approve Resolution 2020 BCC 07 Amending the Morgan County Subdivision Regulations Concerning the school site dedications and determination of fee in lieu. Commissioner Zwetzig seconded the motion. At this time the motion carried 3-0.

Being no further business the meeting was then adjourned at 9:54 a.m.

Respectfully Submitted,

Susan L. Bailey
Clerk to the Board

(Minutes ratified March 17, 2020)

**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/James P. Zwetzig
James P. Zwetzig, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey