

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting April 7, 2020

As reflected in posted agenda:

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://zoom.us/j/383866349>. If you cannot connect via Zoom, you may submit written public comment to [bccmorganc@co.morgan.co.us](mailto:bccmorganc@co.morgan.co.us) by email by 5 p.m. on Monday April 6, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://zoom.us/j/383866349> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 383 866 349.

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://zoom.us/j/383866349> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 383 866 349.

The Board of Morgan County Commissioners met Tuesday, April 7, 2020 at 9:00 a.m. with Chairman Mark Arndt, Commissioner Jon Becker and Commissioner James Zwetzig in attendance as well as Clerk to the Board, Susan Bailey. Chairman Arndt asked Information Systems Manager Karol Kopetzky to lead the meeting in the Pledge of Allegiance.

### CITIZEN'S COMMENT

There was no citizen comment provided.

### ADOPTION OF THE 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 Contract 2020 CNT 049, Coverall Services Inc. Term of Contract March 26, 2020 through completion
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 050, DJ Electric. Term of Contract February 13, 2020 through February 12, 2021
3. Ratify the Board of County Commissioners approval of Contract 2020 CNT 051, Bear Communications Inc., Term of Contract April 1, 2020 through March 31, 2021
4. Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #192689, #192530, #192507, #191792, #192544, #192465, #192351B, #192355A, #192630, #192518, #192862, #192731, #192282, #192390, #192613, #192685, #192627A, #192540B, #192787, #192710, #192481, #192358, #192333, #192440, #192384A, #192772, #192611, #192660, #192480, #192081, #192661, #192379, #192580, #192822C, #192438, #192491, #192640, #192394, #192442, #192327, #192095, #192179, #192398, #192267C, #192592, #192529, #192618, #192692, #192835A, #192557, #191937, #192522, #192519, #192735, #192525, #192694, #192392, #192122, #192410, #192023, #192485, #193072, #192205, #192742, #192376, #192253, #192359, #192752, #192594A, #192040A, #192044, #192619, #192567, #192457, #192682, #181742, #192434, #192192, #192355B, #192487

Commissioner Becker made a motion to approve items 1-4 as presented, Commissioner Zwetzig seconded the motion. At this time the motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

There was no general business or administrative items.

### UNFINISHED BUSINESS

There was no unfinished business.

### COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk Susan Bailey provided an update regarding the current processes in the Clerk's Office and indicated that things are going smoothly.

Morgan County Information Systems Manager Karol Kopetzky provided an update regarding the 2020 Census sharing the current statistics for Morgan County as well as those statewide.

Morgan County Emergency Manager Roger Doll provided an update regarding the Weather Spotting Class that had to be cancelled due to the current situation. He stated the National Weather Service has agreed to provide a webinar for Northeastern Colorado and he encouraged citizens to sign up for this webinar, explaining the process to do so, and citizens will be given credit and a certificate as a weather spotter for the County. Mr. Doll also mentioned they

# 2 COMMISSIONERS PROCEEDINGS

are working with the Health Care Providers, Nursing Homes and others to ensure they have the necessary items and keeping everyone up to date as to the current COVID-19 situation.

Morgan County Planning Administrator Pam Cherry stated her office is running well, stating there will be some hiccups given the amount of documentation they deal with and there will be a Planning Commission meeting held next week.

Morgan County Assessor Tim Amen spoke regarding the Executive Order that was signed by Governor Polis last week that affects dates for deadlines in his office where they have been extended to June 15, 2020. He believes his office will continue to receive reports in a timely manner, and this extension will allow for property owners to report and be filed appropriately.

Commissioner Arndt submitted the road report ending March 27, 2020 reading the report into the minutes.

Morgan County Economic Development Director Kristin Clifford-Basil provided an update about the Small Business Development Loan program and other detailed information as to what her office has currently been working on. She provided both her email address and phone number for contact.

Commissioner Becker noted he has received phone calls from businesses and spoke about the loan process that is being discussed and those issues he foresees in the near future encouraging citizens to shop locally and support small businesses once they are able to provide services. Commissioner Zwetzig spoke about CCI, Colorado Counties, Inc., who is encouraging officials to work collaboratively with the local officials in decisions that are made to avoid the local consequences. Ms. Clifford-Basil again spoke stating there has been the approval for this area to approve grants for the county region and is reviewing this information at this time wanting to assist small businesses with their needs during this time.

## **PUBLIC HEARING**

Chairman Arndt called the hearing to order at 9:30 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.

1. **Greg and Elizabeth Wagers** as applicants and as landowners (appeared by zoom, video and audio)

**Legal Description:** A parcel located in the SW1/4 of Section 8, Township 4 North, Range 58 West of the 6<sup>th</sup> PM, Morgan County, Colorado, lying south and west of Co Rd W.5 and ½ mile east of Co Rd 13, Fort Morgan, Colorado.

**Reason:** Minor Subdivision to create 2(two) vacant lots of 9.5 acres each for potential residential sites. Chapter 8, Minor Subdivision of the Morgan County Subdivision Regulations.

Ms. Cherry explained that this application is for the Wagers Minor Subdivision in the SW¼ of Section 8, T4N, R58W of the 6<sup>th</sup> P.M. Morgan County, Colorado. The property is located on County Road W.5 approximately .5 miles north of the intersection of County Road W and County Road W.5. The property is currently undeveloped and the lots will become residential lots in the Agriculture Production zone district.

Ms. Cherry stated that Greg and Elizabeth Wagers, as applicants, are requesting approval of a minor subdivision that will plat 19 acres into two lots, each 9.5 acres. The lots are being subdivided from an existing parcel of 59.25 acres and identified as parcel #1041-080-00-005. The remaining parcel will be 40.26 acres. There are no existing structures on the property subject to subdivision, nor any structures within the Agriculture Production setbacks.

Ms. Cherry explained that 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

	<b>Lot 1</b>	<b>Lot 2</b>
Water	Quality Water Tap	Quality Water Tap (1 not completely paid for as of yet, as per Ms. Cherry)
Septic	NE Colo Health – no objection – new septic	NE Colo Health – no objection – new septic
Access (2)	Road and Bridge – ok new	Road and Bridge – ok new
Fire	Fort Morgan	Fort Morgan
Soil map	Provided	Provided
Ext Svc	Animal units – none proposed	Animal units – none proposed
Minerals	Lease – Notification complete	Lease – Notification complete
R-T-F	Complete	Complete

- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.  
The subdivision is located in the northwest planning area.

# COMMISSIONERS PROCEEDINGS 3

Chapter 2.II.C. 1., County Wide

Goals: Encourage the development where the proposed development is compatible with existing land uses – other exempted properties and small acreage properties are in the area.

There is access to existing infrastructure, Quality Water and County Road.

- C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.  
There are other exempted properties in the area and distance creates a buffer - buffering is not necessary.

Ms. Cherry stated that all appropriate notice requirements have been completed with no comments received as of today's date. Fourteen property owners within 1,320 feet were notified of the application; there have not been comments, either in favor or opposed.

At this time, Ms. Cherry suggested condition of approval of this application:

- (1) Proposed Quality Water taps will be paid in full prior to recordation of the plat.

Ms. Cherry stated that Planning Commission considered this application at their meeting on March 9, 2020 and unanimously recommends approval on a vote of 6-0.

Chairman Arndt asked if there are members in the public who may wish to speak during this hearing, to please "raise their hand" using the video options. At this time, no one from the public spoke.

At this time, the applicant, Greg Wagers spoke stating since the Planning Commission meeting, they have acquired the quality water taps and indicated they are complete and paid for.

Commissioner Zwetzig asked the question about whether or not the existing roadway has been memorialized and wondered if there should be a dedication of the right of way since it is included in two of the lots, and feels this would be something the County should seek legal advice about. He asked the applicants if it would be prudent to have the legal advice provided as to the memorializing the roadway, and given the opportunity presents itself, and would like to know if it would be prudent to have a statement on the plat that the right of way exists. Mr. Wagers stated as the plan indicates, the road has been surveyed, asking if the County is asking them to legally give up the property, with Commissioner Zwetzig stating it would only be a public access right of way, and feels this is the time to dedicate that. He stated they would not be giving up any rights. Mr. Wagers stated he would have no problems with this suggestion.

Commissioner Zwetzig asked about the depression on the map and the location of that, with Mr. Wagers stating they have built a small pond there to retain irrigation water and it is not being used at this time, they are not using it as irrigation at all. He stated it is located right between lot 1 and lot 2 and being about 2/3 on lot 2 and 1/3 on lot 1 and does not believe this would create any landowner issues in the future stating future landowners could alter that as they best feel suits them.

At this time, Chairman Arndt closed the matter for public comment indicating there was none.

Commissioner Zwetzig made a motion to approve the request to create 2(two) vacant lots of 9.5 acres each for potential residential sites. A parcel located in the SW1/4 of Section 8, Township 4 North, Range 58 West of the 6<sup>th</sup> PM, Morgan County, Colorado, lying south and west of Co Rd W.5 and ½ mile east of Co Rd 13, Fort Morgan, Colorado, with the applicants and the landowners being Greg and Elizabeth Wagers, with the condition being, that as per legal guidance from the County Attorney, the recorded plat will memorialize the road dedication. Mr. Wagers stated he understands this to be formalizing what is in place, and that it does not change anything. The Board stated that is correct. Commissioner Becker seconded the motion. At this time the motion carried 3-0.

2. **Robert J. Urich** as applicant and landowner (Mr. Urich was noted as being present remotely)

**Legal Description:** Lot 1 of the Sagel Minor Subdivision-Correction Plat located in the SW ¼ of Section 3, Township 3 North, Range 59 West of the 6<sup>th</sup> P.M. Morgan County Colorado, addressed as 9111 N. Frontage Road, Fort Morgan, Colorado.

**Reason:** Replat of Lot 1 Sagel Minor Subdivision-Correction Plat to remove 1.9 acres from the 8 acre lot to provide access for Bijou Irrigation. Chapter 10, Section 400 of the Morgan County Subdivision Regulations.

Ms. Cherry stated that this application is for a Replat of Lot 1 of the Sagel Minor Subdivision-Correction Plat in the SW¼ of Section 3, T3N, R59W of the 6<sup>th</sup> P.M. Morgan County, Colorado, Parcel #1225-030-03-001. The plat was recorded on September 30, 1999 under reception number 780842. Access to the property is from the Frontage road of Interstate 76 and addressed as 9111 N Frontage Road, Fort Morgan, CO. The property is used for residential purposes and has an outbuilding and will remain unchanged. The existing structures meet the setbacks required in the Agriculture Production zone district.

Ms. Cherry explained that Robert Urich has applied to replat the lot to reduce the acreage of the 8.0 acre lot to 6.1 acres. The 1.9 acres will be described by a metes and bounds description and is to be added to the property adjacent to the west and owned by Mary Ann Goedert, Parcel #1225-040-00-001 that is 331.210 acres. A new lot will not be created; the metes and bounds of the separated 1.9 acres will be added to a metes and bounds of the Goedert parcel.

# 4 COMMISSIONERS PROCEEDINGS

Ms. Cherry stated that Section 10-400 Replat, of the Morgan County Subdivision Regulations allows for the removal of property from a previously approved subdivision. Subsection (F) requires review by the Board of County Commissioners under the criteria pursuant to Subsection G:

- (1) The replat complies with these standards and regulations, and the original conditions of approval.
- (2) Non-conforming lots are not created. – The 1.9 acres parcel to be separated is to be combined by metes and bounds with parcel #1225-040-00-001 owned by Mary Ann Goedert.
- (3) The replat is in keeping with the purpose and intent of the Subdivision Regulations.
- (4) Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Subdivision Regulations. – there are no changes to easements or rights-of-way or access.
- (5) The approval will not adversely affect the public health, safety, and welfare.

Ms. Cherry explained that as required by Section 10-400(E) one landowner within the subdivision was notified of this hearing without comment received.

Ms. Cherry stated that this application does not require the review by Planning Commission. One suggested condition if the Board approves the application:

- (1) The metes and bounds of the 1.9 acres parcel shall be combined with the 331.210 acre Goedert Parcel # 1225-040-00-001.

At this time, Chairman Arndt opened the matter for public comment asking them to raise their hands remotely if they have anything to state.

Chairman Arndt asked if the applicant, Mr. Urich had any information to add with Mr. Urich stating he had nothing to add.

Commissioner Zwetzig made comment these applicants have been very accommodating and explained this has been a process that has been worked through that will serve both parties well and appreciated their working together with the County.

At this time, Chairman Arndt closed the public comment portion and indicated there was no public comment made.

At this time, Chairman Arndt moved into discussion and decision.

Commissioner Becker made a motion to approve the Replat of Lot 1 Sagel Minor Subdivision-Correction Plat to remove 1.9 acres from the 8 acre lot to provide access for Bijou Irrigation. Chapter 10, Section 400 of the Morgan County Subdivision Regulations. A parcel located in Lot 1 of the Sagel Minor Subdivision-Correction Plat located in the SW ¼ of Section 3, Township 3 North, Range 59 West of the 6<sup>th</sup> P.M. Morgan County Colorado, addressed as 9111 N. Frontage Road, Fort Morgan, Colorado, with the applicant and landowner being Robert J. Urich, with the condition, the metes and bounds of the 1.9 acres parcel shall be combined with the 331.210 acre Goedert Parcel # 1225-040-00-001 . Commissioner Zwetzig seconded the motion. At this time the motion carried 3-0.

## 1. Liberty Pipeline

Due to the COVID-19 pandemic, it is unknown at this time if the public hearing on May 21<sup>st</sup> will be a virtual meeting. If a virtual public hearing is necessary, the procedures for the virtual public hearing will be made available to the public no later than May 8, 2020 on the County's website. Members of the public who are within the notification area for the permit will receive separate notice of the procedures.

Chairman Arndt stated they have requested to continue this matter given the importance of having the applicant in person as well as any interested party being able to attend in person and asked the applicant to speak, with Ms. Cherry stating Chad Pollock, is appearing remotely and represents Liberty Pipeline. Chairman Arndt stated the proposed date as being May 21, 2020 at 9:00 a.m. and Mr. Pollock stated this date and time will work for them. Ms. Cherry stated she is grateful that Phillips 66 is agreeable to continuing this matter and hopeful they will be able to appear in person.

Chairman Arndt asked if there was anyone from the public who had any comments regarding continuing this matter, and noted there was no public comment that came forward.

# COMMISSIONERS PROCEEDINGS 5

Ms. Cherry stated since the Board is continuing the hearing is for a date and time certain, there is no need to publish the notice but will send notification to all landowners of this postponement.

Commissioner Becker made a motion to postpone the hearing for Liberty Pipeline hearing to May 21, 2020 at 9:00 a.m. Commissioner Zwetzig seconded the motion. At this time the motion carried 3-0.

Being no further business the meeting was then adjourned at 9:58 a.m.  
Respectfully Submitted,

Susan L. Bailey  
Clerk to the Board

**(Minutes ratified April 14, 2020)**

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

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

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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