

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting May 12, 2020

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/96677008297>. If you cannot connect via Zoom, you may submit written public comment to bccmorganc@co.morgan.co.us by email by 5 p.m. on Monday May 11, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/96677008297> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 966 7700 8297

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/96677008297> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 966 7700 8297.

The Board of Morgan County Commissioners met Tuesday, May 12, 2020 at 9:03 a.m. with Chairman Mark Arndt taking a voice roll call with both Commissioner Jon Becker and Commissioner James Zwetzig in attendance. Chairman Arndt asked County Commissioner Jim Zwetzig 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 meeting minutes dated April 28, 2020
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 059, Value West Inc., Term of Contract April 21, 2020 through December 31, 2021
3. Ratify the Board of County Commissioners approval of Contract 2020 CNT 060, Wakefield and Associates, Term of Contract May 5, 2020 through May 5, 2021
4. Ratify Chairman Mark Arndt's signature on the CTGGI SGAA 2020-2649 date extension amendment signed April 29, 2020
5. Ratify Chairman Mark Arndt's signature on the Veterans Officer report for the month of April 2020
6. Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #192585,#190099

Commissioner Becker made a motion to approve items 1-6 as presented, Commissioner Zwetzig seconded the motion. At this time the motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Tourism Panel Board Appointments

Chairman Arndt presented to the Board the Tourism Panel Board Appointments stating there is currently one opening for the City of Brush and there is one recommendation for the City of Brush Representative to be Richard Keuroglan, Marketing Manager.

Commissioner Becker made a motion to approve the Tourism Panel Board Appointment for City of Brush Representative to be Richard Keuroglan, Marketing Manager for the City of Brush for the term of May 1, 2020 through December 31, 2020, with Commissioner Zwetzig seconding the motion. Commissioner Zwetzig asked Commissioner Becker to provide an overview of the Tourism Panel at which time Commissioner Becker provided the details of how the tourism panel was created as well as the tourism tax that is collected and those that apprise the board. 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 May 8, 2020 through May 19, 2020 with changes. Commissioner Becker provided an update regarding a special meeting of the Northeast Colorado Health Board has scheduled for May 13, 2020 at 3:00 p.m.. He strongly suggested that citizens listen in on this meeting as the County is required to take direction from the Health Department in order to move forward with the reopening of Morgan County and businesses. He provided specific details of different situations and stated the County is currently following the Governor's Safer At Home plan guidelines.

Chairman Arndt stated the Board of Health is made up of representatives from six northeastern counties and further stated even though counties may be submitting various plans to the State it is still required that each County obtain

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direction from the local Health Department in order to move forward with a plan. He spoke about the possibility of a variance being requested and how that process works. Commissioner Zwetzig also stated the Board of County Commissioners have not made any restrictions to local businesses other than following the State guidelines, and stated when the State of Colorado declared the state of emergency, that gave the Governor the power to issue Health Department orders through CDPHE, and all the restrictions that have been made are through the public health order by the Governor and CDPHE therefore, any variance would have to go through the Health Department. In order for the County to request a variance, it requires the hospitals to sign off on the variance and that has been an issue throughout this emergency and it was discussed the criteria of numbers being reported cannot be on the rise for any variance to be issued. Commissioner Zwetzig provided the details as to how to connect with the Northeast Colorado Health Department online for the access to the meeting. Information Systems Manager Karol Kopetzky will also place this link on the County's web page.

Chairman Arndt spoke about what Morgan County is currently doing as far as its own Government buildings and relaxing its restrictions stating the county administration building will be opening by appointment only starting May 18, 2020 explaining the protocol that will be in place. He further stated it is anticipated that the County Administration Building will be open to the public on June 1, 2020. It was further mentioned that this is in regards to the Administration Building and the Department of Human Services building is in the process of implementing a plan to bring to the Commissioners as to how they will be handling the full opening of their building.

At this time, Sheriff Martin provided an update to the plan of action they will be implementing. He stated they have had limited access, taking temperatures of those coming in and they have not closed down their building. They have continued to serve those that appear in their lobby throughout this time. Visitations at the Morgan County Detention Center is still closed and he does not anticipate opening that back up at this time, stating they do receive two calls per week, and also does not anticipate restarting the work release program. Sheriff Martin stated there has been some issues where citizens have left flowers by the trailer parked on authorized property and ask that citizens not do so.

Chairman Arndt stated that it needs to be remembered this is a secure area and with churches shut down, many wish to have church services and it is not always COVID deaths that has caused the backlog in the funerals, it is also due to the churches being shut down and it has slowed everything down, with the normal rate of burials in the County slowing down which has caused the local mortuary experiencing back log and realize this is an issue, but they have to wait for official cause of death before the Health Department can indicate the official numbers of COVID deaths.

At this time, Morgan County Clerk and Recorder Susan Bailey provided an update regarding the services being provided in the motor vehicle department, recording department and election department explaining that citizens are strongly encouraged to use the remote, telephone and mail services to avoid in person contact. Clerk Bailey further provided an update regarding the upcoming 2020 June Primary Election

At this time, Planning Administrator Pam Cherry provided an update as to the services being provided by the Planning and Zoning Department.

Morgan County Economic Development Director Kristin Clifford-Basil provided an update and explained their website is being redone and hopes to have it launched by the upcoming weekend. She spoke about the issues surrounding child care availability for the summer months given the reduced availability given the COVID-19 issue. She spoke of the roundtable meeting she will participate in on Thursday, stating they are waiting for the next steps at this time.

Commissioner Zwetzig reminded citizens to participate and respond to the 2020 Census.

Commissioner Becker stated as we are going through this emergency situation, everyone's opinion differs, but what he is noticing at this time, people are in fear of going to places because we are not being neighborly to one another, and not treating each other with the same respect as before. He mentioned the issue with some wearing a mask and others not wearing a mask, to please remember these are the people that we are neighbors with, and to respect one another. He also spoke about social media and the fact that there is anger being displayed, and asked that everyone remember these people will still be your neighbors and these small businesses will still be there when this is over, and further asked that people not express fear about going to the grocery store, and beg Governor Polis to give more power to the Counties, stating there is an increase of mental health situations that are starting to occur. He further spoke about businesses that are nearing the point of losing their livelihood, and stated he would like to see Governor Polis stop using heavy hands to deal with this, and urged that the places of worship be able to be opened as we are all neighbors and we all need to work together to get through this.

Commissioner Arndt submitted the road report ending May 1, 2020 reading the report into the minutes.

PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:37 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner James Zwetzig, Commissioner Jon Becker, and Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry. At this time, it was decided to reverse the order of the hearings and Chairman Arndt moved to the second application as listed on the agenda.

Kelly Stuhr – Applicant

Ray Pauly – Landowner

Legal Description: A parcel located in the S1/2W1/2SW1/4 of Section 13, Township 5 North, Range 60 West of the 6th PM, Morgan County, aka 27027 CO Rd #5, Weldona, CO 80653.

Reason: Minor Subdivision to create 2(two) lots. Proposed Lot 1 is vacant and will consist of 5.0 acres for potential residential use; Lot 2 has an existing residence and improvements on it and consists of 5 acres.

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Ms. Cherry stated that the Planning Commission considered this application at their meeting on April 13, 2020 and unanimously recommends approval.

Ms. Cherry explained this application is for a Minor Subdivision in the SW¼ of Section 13, T5N, R60W of the 6th P.M. Morgan County, Colorado. The property currently platted as Lot 1 in the Barras Minor Subdivision on the northeast corner of Morgan County Road 5/Highway 39 and Morgan County Road BB.

Ms. Cherry stated that Kelly Stuhr, as applicant, requesting approval of a minor subdivision that will replat the 10 acre Lot 1 of the Barras minor subdivision, a planned development, into two lots of approximately 5 acres each. Proposed Lot 1 has an existing shed on it that will meet the setback requirements of the Agriculture Production zone district. Proposed Lot 2 has an existing home, garage and shed that will all meet the setback requirements. The parcel is identified as # 0971-130-01-001 and addressed as 27027 County Road 5.

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:

	Lot 1 - 5 acres	Lot 2 - 5 acres
Water	Quality Water Tap – #3016 approved	Quality Water Tap – #1819
Septic	NE Colo Health – no objection new septic	NE Colo Health – no objection Septic #M98-096
Access (2)	Road and Bridge – ok new	Road and Bridge – ok existing
Fire	Wiggins Rural Fire	Wiggins Rural Fire
Soil map	Provided	Provided
Ext Svc	1 animal unit/acre regulations	1 animal units/acre regulations
Minerals	Mineral rights, notification complete	Mineral rights, 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.
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 Roads.
- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.
There are other minor subdivisions in the immediate area and distance, no need to buffer similar land use and size of lots.

Ms. Cherry stated that all appropriate notice requirements have been completed with no comments received as of today, May 12, 2020. There was no opposition or support during the Planning Commission hearing.

Ms. Cherry explained Planning Commission considered this application at their meeting on April 13, 2020 and unanimously recommends approval of the Pauly Minor Subdivision.

At this time, Chairman Arndt asked if the applicant had any further information to add at which time the applicant stated they had nothing further to state.

At this time, Chairman Arndt opened the matter for public comment asking them to raise their hands remotely if they have anything to state with Ms. Kopetzky stating there was no activity.

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 Zwetzig asked about the survey and on the plat what something entailed, with Ms. Cherry stating it indicates the boat ramp, with Commissioner Zwetzig asking to review the survey plat she has, and Ms. Cherry stating there may be some minor changes to the plat map/survey. Commissioner Zwetzig reviewed the map at this time. Chairman Arndt asked the applicant, Kelly Stuhr, if what is represented on the plat map as being the existing boat ramp, with Ms. Stuhr stating that is correct, and the only other thing on the lot at this time, is a small shed as well.

Commissioner Zwetzig asked about covenants being in place on the subdivision, with Ms. Cherry stating there are none and there are no restrictions listed on the plat. All owners of the subdivision have been notified as per Ms. Cherry.

Chairman Arndt asked about the address indicating Highway 39, with Ms. Cherry stating Highway 39 and County Road 5 is the same road located north of Goodrich, with Chairman Arndt stating this is to be noted as County Road 5 off of Highway 144, up north to County Road BB. Ms. Cherry will confirm where the Highway 39 derived from.

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Commissioner Zwetzig asked about the name of the subdivision, stating he researched the legal description and there is no real reference to the Barros Minor Subdivision, asking that there be adequate reference to the prior plat explaining his reasons for concern.

Commissioner Zwetzig made a motion to approve a Minor Subdivision to create 2(two) lots. Proposed Lot 1 is vacant and will consist of 5.0 acres for potential residential use; Lot 2 has an existing residence and improvements on it and consists of 5 acres A parcel located in the S1/2W1/2SW1/4 of Section 13, Township 5 North, Range 60 West of the 6th PM, Morgan County, aka 27027 CO Rd #5, Weldon, CO 80653., with Kelly Stuhr as applicant and Ray Pauly being the landowner, with the condition that there be adequate reference of the Barros Minor Subdivision, Lot 1, to the prior plat. Commissioner Becker seconded the motion. At this time the motion carried 3-0.

Paul and Patricia Caughlan / Caughlan Family Living Trust: Applicant and Landowners

Legal Description: A parcel located in the SW1/4SW1/4 of Section 8, Township 4 North, Range 56 West of the 6th PM, Morgan County, Colorado, aka 22142 Co Rd 25 Fort Morgan, Colorado 80701.

Reason: Minor Subdivision to create 2(two) lots. Lot 1 is vacant and will consist of 7.78 acres for potential residential use; Lot 2 has a residence and improvements on it and consists of 30 acres.

Ms. Cherry stated that the Planning Commission considered this application at their meeting on April 13, 2020 and unanimously recommends approval subject to the condition that a new Quality Water tap is paid in full prior to recordation of the plat.

Ms. Cherry explained that this application is for the Caughlan Minor Subdivision in the SW¹/₄ of the SW¹/₄ of Section 8, T4N, R56W of the 6th P.M. Morgan County, Colorado. The property is located at the northeast corner of the intersection of County Road W and County Road 25.

Ms. Cherry stated that Paul Caughlan, as applicant, requesting approval of a minor subdivision that will plat 37.78 acres into two lots. Proposed Lot 1 will be 7.78 acres and is undeveloped. Proposed Lot 2 will be 30 acres and has structures located on it that will meet setbacks required in the Agriculture Production zone district. The parcel is identified as #1037-080-00-004 and addressed as 22142 County Road 25.

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:

	Lot 1 - 7.78 acres	Lot 2 – 30 acres
Water	Quality Water Tap – new tap approved	Quality Water Tap – #899
Septic	NE Colo Health – no objection new septic	NE Colo Health – no objection Septic #M07-004
Access (2)	Road and Bridge – ok new	Road and Bridge – ok existing
Fire	Hillrose	Hillrose
Soil map	Provided	Provided
Ext Svc	1 animal unit/acre regulations	4 animal units/acre regulations
Minerals	Mineral rights, none severed	Mineral rights, none severed
R-T-F	Complete	Complete

- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.
The subdivision is located in the northeast planning area.
Chapter 2.II.C. 1., County Wide
Goals: Encourage the development where the proposed development is compatible with existing land uses – other exempted parcels and minor subdivisions are in the area.
There is access to existing infrastructure, Quality Water and County Roads.
- C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.
There are other minor subdivisions 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, May 12, 2020. There was with one person in support and no opposition during the Planning Commission hearing.

Ms. Cherry explained that Planning Commission considered this application at their meeting on April 13, 2020 and unanimously recommends approval of the Caughlan Minor Subdivision subject to the plat will not be recorded until the Quality Water tap is paid in full.

Chairman Arndt asked if the applicant if they had any further information to add. The applicant, Paul Caughlan, stated he had nothing further to add at this time.

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

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

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At this time, Chairman Arndt moved into discussion and decision. Commissioner Zwetzig asked the applicant in regards to Lot 2 on the plat, the easements that go to the exemption parcel, and the lot being created further north, and asked if there are planned easements to take water to that locale. Mr. Caughlan stated there are not, and indicated that Quality Water stated they will not allow them to put another easement in and would like to get rid of the easements they have and stated they can run the quality water line down County Road 25, and the tap for Lot 1 and the one for Clay Miller, explaining what they would be doing. He further stated eventually they will be getting rid of both easements explaining that Quality Water stated they can run the line down County Road 25 from County Road W and that is what they have asked to do.

Commissioner Zwetzig commented the County constantly has issues with water drainage from County Road 25 and County Road W, and the increase of traffic and addition of subdivisions, and constantly hear concerns from others that by adding this additional traffic and subdivisions creates this type of problem, stating this is more of a comment only.

Commissioner Becker made a motion to approve a Minor Subdivision to create 2(two) lots. Lot 1 is vacant and will consist of 7.78 acres for potential residential use; Lot 2 has a residence and improvements on it and consists of 30 acres. A parcel located in the SW1/4SW1/4 of Section 8, Township 4 North, Range 56 West of the 6th PM, Morgan County, Colorado, aka 22142 Co Rd 25 Fort Morgan, Colorado 80701, with the applicant and landowner being Paul and Patricia Caughlan /Caughlan Family Living Trust with the condition that the Quality Water tap be paid in full prior the recording of the plat. Discussion followed with Commissioner Zwetzig suggesting that the approval of this matter be subject to the condition of the purchase of the quality water tap with Commissioner Becker amending his motion to indicate the approval is contingent upon the purchase and full payment of the quality water tap. Commissioner Zwetzig seconded the motion. At this time the motion carried 3-0.

Being no further business the meeting was then adjourned at 10:05 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board
(Minutes ratified May 19, 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