

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting August 14, 2018

The Board of Morgan County Commissioners met Tuesday, August 14, 2018 at 9:00 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Laura Teague in attendance. Chairman Arndt Morgan County asked Morgan County Clerk and Recorder Susan Bailey 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 Zwetzig seconding the motion. Motion carried 3-0.

### CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Board of Equalization meeting minutes dated August 2, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 170, Field of Opportunity Counseling, to provide therapy services, Term of Contract June 1, 2018 until May 31, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 171, Colorado Department of Human Services, title iv-e waiver demonstration projects, Term of Contract July 1, 2018 through June 30, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 172, Prairie Mountain Publishing/ FM Times/ FM Weekly/ Brush Tribune/ Brush Beet, advertising with local publications for remaining year, Term of Contract August 2018 through December 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 173, Universal Inspections, annual inspections, cranes, units 52, 53, 58, 208, Term of Contract August 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 174, Deadshort Broadcasting/ KSID AM/ FM Radio Sidney NE, radio advertising for FHCS, Term of Contract August 9 through September 16, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 175, Media Logic Radio LLC, radio ads to support Brush supercross 2018, Term of Contract August 10 through August 18, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 176, Graulus Painting, paint clerk and election doors and casing, Term of Contract until completed
- Ratify the Board of County Commissioners approval of the Morgan County Public Trustee report July 2018
- Ratify Chairman Mark Arndt's signature on the Colorado Department of Military and Veterans Affairs Monthly Report for July 2018
- Ratify Chairman Mark Arndt's signature on the Storm water inspection Form for July 31, 2018
- Ratify the Board of County Commissioners approval of the waiver of fairground fees for the Morgan County Sheriff's Office
- Ratify the Board of County Commissioners approval of the waiver of fairground fees for the Colorado Department of Family Campers & RVers (FCRV)

Commissioner Zwetzig made a motion to approve all items on the Consent Agenda as presented, items 1-13. Commissioner Teague seconded the motion and motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

**Consideration of Approval – RESOLUTION - 2018 BCC 2018 BCC 26, A resolution of the Board of County Commissioners of Morgan County, Colorado, terminating the administrative services agreement with NACoServices and Nationwide, successor to PebSCO, regarding the county's 457 retirement plans and directing the transfer of assets in those plans to similar plans administered by the Colorado County Elected Officials and Employees Retirement Association MORGAN COUNTY, COLORADO**

#### MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

#### RESOLUTION 2018 BCC 26

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, TERMINATING THE ADMINISTRATIVE SERVICES AGREEMENT WITH NACoSERVICES AND NATIONWIDE, SUCCESSOR TO PEBSCO, REGARDING THE COUNTY'S 457 RETIREMENT PLANS AND DIRECTING THE TRANSFER OF ASSETS IN THOSE PLANS TO SIMILAR PLANS ADMINISTERED BY THE COLORADO COUNTY ELECTED OFFICIALS AND EMPLOYEES RETIREMENT ASSOCIATION**

WHEREAS, it has been determined to be in the best interest of the employees of Morgan County to provide for the retirement of employees;

WHEREAS, the Morgan County Board of County Commissioners has determined that it is the best interests of the employees of Morgan County and the County to have the retirement plans available to employees administered by the Colorado County Elected Officials and Employees Retirement Association ("CCOERA"); WHEREAS, on January 1, 2018, Morgan County transferred all its other retirement plans to CCOERA, except for the County's 457 plan serviced by Nationwide; and

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WHEREAS, the Board desires to notify NACoServices, a subsidiary of the National Association of Counties, and Nationwide, successor to Public Employees Benefit Services, of the termination of the Administrative Services Agreement between the County, NACoServices, and PEBSCO executed by the County on May 25, 1993 and begin the process to transfer plan assets from NACoServices/Nationwide to CCOERA, as further described below.

NOW, THEREFORE, be it resolved by the Morgan County Board of County Commissioners, Colorado, as follows:

1. Morgan County hereby terminates the Administrative Services Agreement with NACoServices and Nationwide, as successor to PEBSCO. The termination date shall be November 30, 2018.
2. The Board directs appropriate County staff to notify NACoServices and Nationwide of the termination and transfer of the plan to CCOERA and work with and coordinate with NACoServices, Nationwide and CCOERA to transfer plan assets. County staff is further authorized to address any plan accounts which should not be transferred to CCOERA, in accordance with the law, and to work with NACoServices and Nationwide to take any necessary actions to resolve those accounts.

APPROVED this 14th day of August, 2018.

**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/Laura D. Teague  
Laura D. Teague, 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

Morgan County Human Resources Director, Tracy Amen to the Board for approval, a Resolution 2018 BCC 26, a resolution of the Board of County Commissioners of Morgan County, Colorado, terminating the administrative services agreement with NACoServices and Nationwide, successor to PEBSCO, regarding the county's 457 retirement plans and directing the transfer of assets in those plans to similar plans administered by the Colorado County Elected Officials and Employees Retirement Association Morgan County, Colorado. Ms. Amen stated this will bring all of the retirement plans through the County's Retirement Plan provider, COERRA. Commissioner Zwetzig noted he received an email from NACO yesterday announcing they are getting out of most all of these types of programs at this time.

Commissioner Teague made a motion to approve Resolution 2018 BCC 26, a resolution of the Board of County Commissioners of Morgan County, Colorado, terminating the administrative services agreement with NACoServices and Nationwide, successor to PEBSCO, regarding the county's 457 retirement plans and directing the transfer of assets in those plans to similar plans administered by the Colorado County Elected Officials and Employees Retirement Association Morgan County, Colorado as presented by Morgan County Human Resources Director, Tracy Amen, with Commissioner Zwetzig seconding the motion and the motion carried 3-0.

**Consideration of Approval – RESOLUTION - 2018 BCC 2018 BCC 27, A Resolution conditionally amending a use by special review to expand the existing gravel mining operation**

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

**RESOLUTION  
2018 BCC 27**

**A RESOLUTION CONDITIONALLY AMENDING A USE BY SPECIAL REVIEW TO EXPAND THE EXISTING GRAVEL MINING OPERATION ON PROPERTY LOCATED IN THE SE¼ OF THE SW¼ OF SECTION 33, T4N, R57W OF THE 6<sup>th</sup> P.M., MORGAN COUNTY, COLORADO**

WHEREAS, McAtee Construction Company, Inc. (the "Owner") owns property located in the SE¼ of the SW¼ of Section 33, T4N, R57W of the 6th P.M., Morgan County, Colorado ("Property")

# COMMISSIONERS PROCEEDINGS 3

**WHEREAS**, the Property is located in the Agricultural Production Zone District and is a parcel larger than 20 acres;

**WHEREAS**, Green Brothers, Inc./Rod Havens (the "Applicant"), on behalf of the Owner, filed an application to amend the Use by Special Review Permit granted by County through Resolution 94 BCC 51 a Use by Special Review, in the records of the Morgan County Clerk and Recorder, Commissioner Book Number 23, Dated September 27, 1994;

**WHEREAS**, the Applicant, through its application, has requested an amendment for expansion from the currently permitted 55.60 acres to 78.89 acres of the existing gravel mining operation area from the currently permitted 55.60 acres to 78.89 acres and the addition of an asphalt batch plant to the operation on the Property;

**WHEREAS**, pursuant to Section 3-173(R) of the County's Zoning Regulations, on parcels larger than 20 acres within the Agriculture Production Zone District, mining operations and asphalt batch plants require approval as a Use by Special Review;

**WHEREAS**, on July 9, 2018 the Morgan County Planning Commission held a duly noticed public hearing on the application where they received public comment, staff input and recommended conditional approval of the Application on a vote of 5 in favor and 2 opposed;

**WHEREAS**, on July 27, 2018 the Applicant withdrew its request to add the asphalt batch plant to the operation on the Property but maintain its request to expand the acreage subject to the current mining operation;

**WHEREAS**, on July 31, 2018, the Board of County Commissioners (the "BoCC") held a duly noticed public hearing and receiving testimony from staff and the applicant and the Planning Commission's recommendation;

**WHEREAS** the Board of County Commissioner desires to grant the application, as amended by the Applicant, and as provided for herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO**, that based upon the findings below that they approve the application as follows:

1. The Board of County Commissioners having reviewed the Special Use application, all information provided, testimony heard and the criteria for a Special Use as set forth in Section 2-345 of the Regulations find that:

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.
- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulations, whichever is the strictest.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
- (I) For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.

2. The Board of County Commissioners hereby approves the application for an amendment to the Use by Special Review Permit to expand the existing gravel mining operation from 55.60 acres to 78.89 acres.

- (A) The Owner shall obtain necessary permits and comply with the requirements and conditions of those permits as determined by other governmental agencies with jurisdiction over this operation.

Dated this 14<sup>th</sup> day of August, 2018, *nunc pro tunc July 31, 2018*

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## 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/Laura D. Teague  
Laura D. Teague, 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

Morgan County Planning Administrator, Pam Cherry to the Board for approval, a Resolution 2018 BCC 27, a Resolution conditionally amending a use by special review to expand the existing gravel mining operation. Ms. Cherry stated that on July 31, 2018 the Board of County Commissioners held the public hearing on this Special Use application. The Commissioners approved the application and staff was instructed to prepare this resolution which reflects the approval and Chairman Arndt made note this is being signed nunc pro tunc as it was approved at a prior date.

Commissioner Teague made a motion to approve Resolution 2018 BCC 27, a Resolution conditionally amending a use by special review to expand the existing gravel mining operation as presented by Morgan County Planning Administrator, Pam Cherry, signing nunc pro tunc, with Commissioner Zwetzig seconding the motion and the motion carried 3-0.

**Consideration of Approval – RIGHT OF WAY - 2018 PMT 44 – Century Link**  
**Consideration of Approval – RIGHT OF WAY - 2018 PMT 45 – Century Link**  
**Consideration of Approval – RIGHT OF WAY - 2018 PMT 46 – Century Link**  
**Consideration of Approval – RIGHT OF WAY - 2018 PMT 47 – Century Link**  
**Consideration of Approval – RIGHT OF WAY - 2018 PMT 48 – Century Link**  
**Consideration of Approval – RIGHT OF WAY - 2018 PMT 49 – Century Link**

Morgan County Road Supervisor John Goodman read aloud Right of Way Permit 2018 PMT 44, with Century Link. Commissioner Zwetzig expressed concerns regarding how the permits have been prepared wanting to ensure the descriptions are clear for the County's mapping system. Commissioner Zwetzig made a motion to table item numbers 3, 4, 5, 6, 7, and 8 of today's agenda until August 21, 2018. Commissioner Teague seconded the motion and motion carried 3-0.

### **COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated August 10, 2018 through August 21, 2018 with no changes.

Morgan County Clerk Susan Bailey updated the Board regarding the recent software conversion implemented in the Motor Vehicle Department thanking the public for their patience and cooperation.

Morgan County Department of Human Resources Director updated the Board regarding the training that all new employees are required to complete the AED and CPR training and that will be held September 10<sup>th</sup> and the family appreciation barbecue is scheduled for September 15 in conjunction with the Fall Harvest Car Show.

### **PUBLIC HEARING**

Chairman Arndt called the hearing to order at 9:32 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner Laura Teague and Commissioner James Zwetzig. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry.

### **UNFINISHED BUSINESS**

**Continuation from the Public Hearing on July 3, 2018– Applicant/Landowner: Carmen Arevalo/ Moreno Racing, Inc. – Application is for a Special Use Permit for a training facility for racing quarter horses and an event facility. The parcel is located in the SW1/4 & W1/2 SE1/4 of Section 11, Township 5, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as South of County Road DD, ½ mile on County Road 23. (Pam Cherry, Planning Director/Floodplain Administrator)**

Ms. Cherry stated that on July 3, 2018 the Board of County Commissioners held the public hearing on this application. The hearing was continued until today, August 14, 2018. The applicant has requested that the application be continued until Thursday, October 18, 2018. Discussion followed as to how long the application is valid for with Ms. Cherry stating the Board heard the matter on July 3, 2018, the Planning Commission heard it in May and the application was filed in April, so it is within the one year time frame to continue to the requested date of October 18, 2018.

# COMMISSIONERS PROCEEDINGS 5

Commissioner Teague made a motion to continue the Carmen Arevalo/ Moreno Racing, Inc public hearing until October 18, 2018 at 9:30 a.m. with Commissioner Zwetzig seconding the motion. Chairman Arndt stated he has received an email from Mr. Chuck Miller that he believes should become a part of the file, and asked Ms. Cherry to place in the applicant's file to be heard at the continuation date of October 18, 2018. At this time, the motion carried 3-0.

Being no further business the meeting was then adjourned at 9:37 a.m.

Respectfully Submitted,

Susan L. Bailey  
Clerk to the Board  
(Minutes ratified August 21, 2018)

## 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/Laura D. Teague  
Laura D. Teague, 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