

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting June 18, 2019

The Board of Morgan County Commissioners met Tuesday, June 18, 2019 at 9:07 a.m. with Chairman James Zwetzig, Commissioner Mark Arndt and Commissioner Jon Becker in attendance.

### **CITIZEN'S COMMENT**

There was no citizen comment provided.

Chairman Zwetzig made note of the hearing scheduled for next week, June 25, 2019 at 9:00 a.m. and encouraged the public to attend.

### **ADOPTION OF THE AGENDA**

Commissioner Becker 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 11, 2019

Ratify the Board of County Commissioners approval of Contract 2019 CNT 073, Safety Systems, Inspect & Service, Term of Contract June 10, 2019 until completed

Ratify the Board of County Commissioners approval of Contract 2019 CNT 074, S&B Refrigeration, Repairs, Term of Contract May 16, 2019 until completed

Ratify the Board of County Commissioners approval of Contract 2019 CNT 075, Freedom to Cowboy Up, Therapy Services, Term of Contract June 01, 2019 until completed

Ratify the Board of County Commissioners approval of Contract 2019 CNT 076, Colorado Department of Human Services, Cost Share Partnership for Wendy's Wonderful Kids, Term of Contract July 01, 2019 through June 30, 2020

Ratify the Board of County Commissioners approval of Contract 2019 CNT 077, Signal Behavioral Health Network, Substance Abuse Treatment Services, Term of Contract June 01, 2019 through June 30, 2020

Ratify the Board of County Commissioners approval of Contract 2019 CNT 078, Centennial Mental Health Center, Mental Health Treatment for Day Treatment Program, Term of Contract June 01, 2019 through May 31, 2020

Ratify the Board of County Commissioners approval of Contract 2019 CNT 079, Centennial Mental Health Center, Mental Health Services for Child Welfare Clients, Term of Contract June 01, 2019 through May 31, 2020

Ratify the Board of County Commissioners approval of Contract 2019 CNT 080, Centennial Mental Health Center, Drug Testing Services for Child Welfare Treatment, Term of Contract June 01, 2019 through May 31, 2020

Ratify the Board of County Commissioners approval of Contract 2019 CNT 081, Centennial Mental Health Center, Parenting with Love and Limits Program, Term of Contract June 01, 2019 through May 31, 2020

Ratify the Board of County Commissioners approval of Contract 2019 CNT 082, Centennial Mental Health Center, Substance Abuse & Mental Health Assessments and Treatment, Term of Contract July 01, 2019 through June 30, 2020

Ratify Chairman Jim Zwetzig's signature on the Morgan County Public Trustee Report for the month of May 2019

Ratify the Board of County Commissioners approval on the Fee Waiver Request of Rental Fees for the Knights of Columbus Beer Garden Events August 3, 2019 and August 7, 2019

Commissioner Arndt made a motion to approve items 1-13 as presented, Commissioner Becker seconded the motion and 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**

Commissioners reviewed the calendar dated June 14, 2019 through June 25, 2019 with no changes. Chairman Zwetzig noted on June 24, 2019 both he and Commissioner Becker will be attending a meeting at CCI regarding the oil and gas industry. Commissioner Becker summarized what the meeting will be and they will be meeting with the new director of Colorado Oil and Gas Conservation Commissioner (COGCC).

Information Systems Manager Karol Kopetzky provided a public service announcement stating she was notified this morning that Google is experiencing issues with its calendar functions at this time and is working towards a resolution.

Morgan County Sheriff reported there will be an honor flight coming through Morgan County this week and the Sheriff Department will be their escort through the County.

# 2 COMMISSIONERS PROCEEDINGS

At this time a brief recess was taken for the public hearing scheduled at 9:30 a.m. At this time, Chairman Zwetzig recused himself due to a possible conflict of interest and turned the meeting over to Chairman Pro Tem Arndt.

## PUBLIC HEARING

Chairman Pro Tem Arndt called the hearing to order at 9:30 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Pro Tem Mark Arndt and Commissioner Jon Becker with Chairman Zwetzig absent who recused himself due to a possible conflict of interest. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and Applicant, Deb Christensen. Chairman Pro Tem Arndt stated this is a continuation from a hearing scheduled on May 21, 2019.

### **1. Deb Christensen - As Applicant**

**Debora K. Christensen and Robert F. Christensen - As Landowners**

**Legal Description-** A parcel of land located in the SW1/4 SE1/4 of Section 19, Township 4, Range 57 West of the 6<sup>th</sup> p.m., Morgan County, Colorado aka 20138 Hwy 52, Fort Morgan, CO 80701.

**Reason-** A Planned Development to create 6 lots for residential use in four phases.

Chairman Pro Tem Arndt asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

Ms. Cherry explained this application is for a Final Planned Development to be known as Turkey Ridge, which consists of a 16.18 acre parcel located in the SW¼ of the SE¼ of Section 19, Township 4 N, Range 57W of the 6<sup>th</sup> P.M., Morgan County Colorado. The proposed planned development, at the completion of all phases, will be six residential lots, two drainage tracts and a third tract to be used for internal roadway.

Ms. Cherry stated that this application was originally to be considered by the Board of County Commissioners at their meeting on April 16, 2019. The applicant requested a continuance until May 21, 2019 to allow for the completion of a drainage plan. On May 21, 2019, Ms. Cherry requested a continuance to June 18, 2019 because of the timing of the submittal of the drainage plan and other items that were yet to be resolved including platting of detention ponds and streets and proposed maintenance of those areas and clarification of responsibility in the covenants and notes to be added to the Planned Development Plan.

Ms. Cherry explained that the application was considered by the Planning Commission at their meeting on March 11, 2019. The application received a recommendation of approval subject to following conditions and notes to be added to the plan pursuant to Chapter 6 Section 3-510 through 3-590 of the Morgan County Subdivision Regulations:

- (A) Turkey Ridge is subject to the "Master Declaration of Covenants, Conditions and Restrictions of Turkey Ridge PD as recorded with the Morgan County Clerk and Recorder.
- (B) Overall density proposed for the PD is .37 residential units per acre; six residential lots area proposed lots and three tracts are proposed.
- (C) This Planned Development consists of 16.18 acres.
- (D) Open Space – Each lot is permitted one residential structure and one accessory structure, the remaining area to be vegetated.
- (E) Zoning regulations and Bulk regulations of the Rural Residential Zoning District shall apply to Turkey Ridge. Setbacks to be 30' Front, 10' Side and 20' Rear.
- (F) Drainage shall be looked at.

### **Description of Planned Development:**

The property is to be developed in three phases:

- 1. Phase 1 consisting of 2 lots, of 4.89 acres and 1.49 acres each, and a tract of 1.01 acres, designated as Tract C, for Spur Cross Road, a privately maintained interior road.
- 2. Phase 2 consisting of 2 lots, of 2.03 acres and 1.80 acres each, and a tract of .06 acres, designated as Tract A, for a privately maintained detention drainage pond.
- 3. Phase 3 consisting of 2 lots, of 1.88 acres and 1.73 acres each, and a tract of .06 acres, designated as Tract B, for a privately maintained detention drainage pond.

Ms. Cherry stated that the applicant has purchased three Morgan County Quality Water taps. In addition, there is one existing tap that services the existing farm house, located on Lot 1.

Ms. Cherry explained the proposed zoning for the planned development is Rural Residential pursuant to the Morgan County Zoning Regulations, subject to any future amendments by the County to those Zoning Regulations.

Two additional notes were requested by the County Attorney and have been added to the final planned development plan:

Private Street Maintenance

IT IS MUTUALLY UNDERSTOOD AND AGREED THAT THE ALL ROADWAYS SHOWN ON THIS PLAT OR PLAN ON TRACT \_C\_ ARE PRIVATE AND HAVE NOT BEEN DEDICATED TO MORGAN COUNTY AND THEY WILL NOT BE MAINTAINED BY MORGAN COUNTY. THE OWNERS, DEVELOPERS, AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL BE

# COMMISSIONERS PROCEEDINGS 3

RESPONSIBLE IN PERPETUITY FOR ROADWAY MAINTENANCE AT ALL TIMES AS SET FORTH IN THE COVENANTS GOVERNING THE SUBDIVISION AS RECORDED WITH THE MORGAN COUNTY CLERK AND RECORDER ON \_\_\_\_\_, 20\_\_, AT RECEPTION NO. \_\_\_\_\_. MORGAN COUNTY SHALL HAVE NO OBLIGATION TO ENFORCE ANY MAINTENANCE OBLIGATIONS OR RELATED COVENANTS.

## Private Drainage Pond Maintenance

THE PRIVATE DRAINAGE PONDS, TRACTS A AND B, AS SHOWN ON THIS PLAT OR PLAN, ARE PRIVATE AND HAVE NOT BEEN DEDICATED TO MORGAN COUNTY AND THEY WILL NOT BE MAINTAINED BY MORGAN COUNTY. THE OWNERS, DEVELOPERS, AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE IN PERPETUITY FOR ROADWAY MAINTENANCE AT ALL TIMES AS SET FORTH IN THE COVENANTS GOVERNING THE SUBDIVISION AS RECORDED WITH THE MORGAN COUNTY CLERK AND RECORDER ON \_\_\_\_\_, 20\_\_, AT RECEPTION NO. \_\_\_\_\_. MORGAN COUNTY SHALL HAVE NO OBLIGATION TO ENFORCE ANY MAINTENANCE OBLIGATIONS OR RELATED COVENANTS.

## Recommendation:

At this time Ms. Cherry explained that the applicant has submitted a final planned development plan that includes all requested notes. However, due to the fact that the applicant cannot demonstrate a water supply to each lot, Ms. Cherry recommended denial of this application based on County Attorney recommendation.

Chairman Pro Tem Arndt asked if there were any questions from the Board at which time there were none.

At this time, Chairman Pro Tem Arndt asked the applicant for comments with Deb Christensen, 20138 Highway 52, Fort Morgan, asked for clarification as to whether or not she has met every requirement for this application, stating she has now purchased two additional water taps from Quality water as of yesterday, and has the receipt for verification of purchase. At this time, she requested the entire subdivision be approved as one phase instead of the proposed three.

Commissioner Becker confirmed that Ms. Christensen was in agreement with the roadway agreement and asked further about the retainage ponds and whose responsibility that will be. Ms. Christensen stated it will be a shared responsibility and will have a document prepared by her attorney that all property owners will sign and understand they share in the costs and all responsibilities.

Further discussion followed regarding the County approving changes to the covenants and it was stated the County would not have any authority to approve any changes to such covenants but it was requested by Planning Administrator Pam Cherry that the wording "Morgan County" be removed from Section 8.02. Ms. Christensen agreed to this request.

Commissioner Becker asked Ms. Cherry that since Ms. Christensen has purchased the two additional water taps, if she is in agreement the application could be approved. Ms. Cherry asked that the requirement for the PUD being completed in phases to be removed, with discussion following regarding the map that has been proposed as three phases be approved as presented with Ms. Christensen expressing her concerns about having to have this redrawn given the costs incurred already.

At this time, Chairman Pro Tem Arndt asked that it be noted that the applicant has presented the final purchase of water taps for phase three, those being two additional water taps for Lot 5 and 6 and noted all requirements for water have been met. He also thanked the applicant for her patience and cooperation and explained the reasons for the required documentation and also apologized for any misunderstanding throughout the process.

Commissioner Becker asked if the Board approves all the phasing would that create any issues with the legal descriptions, with Ms. Cherry stating she does not know. Commissioner Becker further stated he believed it should not as they will approve that all three phases be completed at one time.

At this time, Chairman Pro Tem Arndt opened the matter for public comment at which time there was no public comment in favor or in opposition of the matter.

A motion was made by Commissioner Becker to approve the application to create 6 lots for residential use in three phases for Deb Christensen, applicant; Debora K. Christensen and Robert F. Christensen as Landowners. With the legal description being a parcel of land located in the SW1/4 SE1/4 of Section 19, Township 4, Range 57 West of the 6<sup>th</sup> p.m., Morgan County, Colorado aka 20138 Hwy 52, Fort Morgan, CO 80701 as presented noting that all three phases are open and water has been purchased for them and noting to remove Morgan County from the covenants, 8.02 and noted the final covenants with the proper 1/6 share of the road and retention pond should be provided to the County as well. Chairman Pro Tem Arndt seconded the motion and the motion carried 2-0.

Being no further business the meeting was then adjourned at 9:45 a.m.

Respectfully Submitted,

Susan L. Bailey  
Clerk to the Board

**(Minutes ratified June 25, 2019)**

# 4 COMMISSIONERS PROCEEDINGS

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

\_\_\_\_\_  
s/James P. Zwetzig  
James P. Zwetzig, Chairman

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

\_\_\_\_\_  
s/Jon J. Becker  
Jon J. Becker, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/Susan L. Bailey  
Susan L. Bailey