

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting January 7, 2020

The Board of Morgan County Commissioners met Tuesday, January 7, 2020 at 9:01 a.m. with Chairman James Zwetzig, Commissioner Mark Arndt and Commissioner Jon Becker in attendance. Chairman Zwetzig asked Morgan County Ambulance Service Director, Joe King to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

ADOPTION OF THE AGENDA

Commissioner Arndt 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 December 10, 2019
2. Ratify the Board of County Commissioners approval of meeting minutes dated December 12, 2019
3. Ratify the Board of County Commissioners approval of meeting minutes dated December 17, 2019
4. Ratify the Board of County Commissioners approval of meeting minutes dated December 20, 2019
5. Ratify the Board of County Commissioners approval of Contract 2019 CNT 149, Morgan County Family Center, Term of Contract October 1, 2019 through September 30, 2020
6. Ratify the Board of County Commissioners approval of Contract 2019 CNT 150, Lamar Companies, Term of Contract December 30, 2019 through December 27, 2020
7. Ratify the Board of County Commissioners approval of Contract 2020 CNT 010 Correctional Healthcare Companies, LLC, Term of Contract January 1, 2020 through December 31, 2020
8. Ratify the Board of County Commissioners approval of Contract 2020 CNT 013 Miles Partnership, Term of Contract December 19, 2019 through December 19, 2020
9. Ratify the Board of County Commissioners approval of Contract 2020 CNT 014 Trinity Food Service, Term of Contract January 01, 2020 through December 31, 2020
10. Ratify the Board of County Commissioners approval of Contract 2020 IGA 001 Distribute the Cost of CIS System to appropriate agencies, Term of Contract January 1, 2020 through December 31, 2020
11. Ratify the Board of County Commissioners approval of the Morgan County Grant Application for Sipa Drupal 8 platform website migration, signed January 6, 2020
12. Ratify the Board of County Commissioners approval of the Morgan County Grant Application for Sipa Video Streaming, signed January 6, 2020
13. Ratify the Board of County Commissioners approval of the Morgan County Grant Application for Emergency Management Program Grant, signed January 6, 2020
14. Ratify Chairman Jim Zwetzig's signature on 2020 Voting Proxies for Weldon Valley Ditch Company, signed December 31, 2019
15. Ratify Chairman Jim Zwetzig's signature on December 2019 Stormwater Inspection Form signed January 6, 2020
16. Ratify Chairman Jim Zwetzig's signature on the Veterans Officer report for the month of December , 2019
17. Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #191802, #191828, #191047, #191594, #191573, #191544A, #191884, #190791, #191878, #191817, #191583, #191620, #191672, #191444, #191769, #191657, #1916763A, #191885, #191461, #190708, #190999, #191517, #191564, #191827, #191627A, #191635, #191336, #191584, #191599, #190065, #191497, #191589, #191226, #191645, #191915, #191653, #191650, #191614, #190624, #191545, #191163B, #182407, #191519, #191535, #191265, #191428A, #191360B, #191409, #191447, #191309, #190765, #191446, #191528A, #191347, #191526, #191314, #191696, #191459, #191931, #191552, #191161, #191557, #191543, #191502, #191454, #191567, #191213, #191272, #191300, #191565, #191541, #191410, #190845, #191491, #190970, #191263, #191678, #191582, #191840, #191328, #191758, #191654, #192090, #192278, #182697, #191695, #191814, #19130, #191890, #190839, #191960, #191533, #191434

Commissioner Becker made a motion to approve items 1-17 as presented, Commissioner Arndt seconded the motion. At this time the motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – BID AWARD – RFP 2019-1219-001 Cardiac Monitor Defibrillator Bid Tabulation

Morgan County Ambulance Service Director, Joe King presented to the Board for approval, the RFP 2019-1219-001 Cardiac Monitor Defibrillator Bid Tabulation. Mr. King stated that they received two bids, a bid from Stryker in the amount of \$85,838.00 with three exceptions to the bid and ZOLL in the amount of \$89,800.98 with no exceptions to the bid.

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At this time, Mr. King recommended the bid be awarded to ZOLL in the amount of \$89,800.98. Mr. King explained that they currently have other ZOLL monitors in which they are familiar with, also other departments use the ZOLL machines such as the Sheriff's Office, local police and fire departments and they are in the County facilities so it will be compatible.

Commissioner Arndt made the motion to approve the bid award RFP 2019-1219-001 Cardiac Monitor Defibrillator Bid Tabulation to ZOLL, as the lower bid had exceptions to the equipment that was asked for, in the amount of \$89,800.98. Commissioner Becker seconded the motion. Chairman Zwetzig asked if these machines were budgeted in 2019 with Mr. King stating that they will come out of the 2020 budget. Chairman Zwetzig asked how many there will be with Mr. King stating that there will be three the tabulation sheet shows that they will be purchasing three. Mr. King stated that there are seven ambulances in the fleet and they will try to get the other four with a grant from the state sometime this year, due to the current machines will no longer be FDA approved in the year 2021. At this time, the motion carried 3-0.

Consideration of Approval – RESOLUTION 2020 BCC 01 - A Proposed Amendments To The Morgan County Zoning Regulations Regarding Various Sections, The Addition Of Section 6-108 And Section 6-115 Is Amended And Moved To Section 2-137

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2020 BCC 01

A RESOLUTION AMENDING MORGAN COUNTY ZONING REGULATIONS CONCERNING ENFORCEMENT PROCEDURES

WHEREAS, the County's enforcement procedures for its Zoning Regulations have no mechanism to review previously approved permits, but the County recognizes its continuing jurisdiction over such permits;

WHEREAS, the Board of County Commissioners desires to create and clarify the procedures to enforce violations of the terms and conditions of previously approved permits; and

WHEREAS, on December 9, 2019, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval;

WHEREAS, on January 7, 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 6-100 of the Morgan County Zoning Regulations is hereby amended to read as follows:

The purpose of this Chapter is to require compliance with these Regulations, to state which activities violate these Regulations, and to establish general County remedies when a violation exists.

Section 2. The Morgan County Zoning Regulations are hereby amended by the addition of a new subsection 6-103 to read as follows:

6-103 Authority to Enforce.

The Board of County Commissioners and its duly appointed representatives shall have:

- (A) The authority to enforce the provisions of these Regulations, including companion documents and permits issued under the County's authority described in these Regulations and state law, in accordance with this Chapter and the governing statutes (C.R.S. § 30-28-124 and C.R.S. § 30-28-124.5, as amended).
- (B) The authority to enforce the applicable provisions of Chapter 4 concerning Solid Waste Management Sites in accordance with this Chapter and the governing statutes and regulations (The Solid Wastes Disposal Sites & Facilities Act, C.R.S. §§ 30-20-100.5 et seq.; Infectious Waste C.R.S. §§ 25-15-401 et seq. "Infectious Waste"; and CDPHE "Regulations Pertaining to Solid Waste Disposal Sites & Facilities", 6 C.C.R. 1007-2 hereinafter referred to as "State Solid Waste Regulations").

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- (C) Nothing in this Chapter or any other provision of these Regulations shall be construed to restrict the ability of the County to pursue any available means of enforcement available to it under state law.

Section 3. Section of 6-105 of the Morgan County Zoning Regulations is hereby amended to read as follows:

- (A) It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance with this Code or with the terms and conditions of any land use application approval or permit, or without first obtaining all approvals and permits required by these Regulations.
- (B) Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, who violates any of the provisions of these Regulations or any owner who allows the use of the owner's land by another in violation of these Regulations and who does not remedy the violation upon notice that such violation exists may be liable for a violation under these Regulations.

Section 4. The Morgan County Zoning Regulations are hereby amended by the addition of a new subsection to read as follows:

6-108 Enforcement Procedures

This section sets forth the enforcement options available and the presumed progression of enforcement actions that may be taken by the County to address violations. Nothing in this Section shall prevent the County from exercising discretion to pursue the remedies or any combination thereof, as set forth below or as provided by Colorado law.

(A) Notice of Violation

If probable cause exists to believe that a violation has occurred, a notice of violation shall be sent via first class mail to the owner's mailing address as listed in the records of the Morgan County Assessor's Office and to the mailing address of the property in question, if different than the owner's address and if one exists.

The notice of violation shall specifically describe the nature of the violation and shall require that the violation be corrected at least ten (10) days after the date of the notice. The notice of violation shall provide that the alleged violator may request additional time to correct the violation.

If the violation is not corrected within the time period established in the notice of violation or approved extension of time, the County may determine to pursue remedies under subsections (B) and/or (C) of this Section.

(B) Revocation of Approvals and Permits

If an alleged violator is in violation of the conditions of a land use approval or permit that was issued by the County or if the approval or the permit was obtained by false representation or issued in error, the Board of County Commissioners may revoke the approval or permit, and/or amend conditions imposed on the approval or permit that are related to the violation. Amendment of the terms and conditions shall include the addition of new conditions and the removal of conditions. The Planning Administrator shall first consider the alleged violation(s) and determine whether there is sufficient evidence that a violation(s) has occurred or is occurring. Upon a determination that sufficient evidence exists, the Planning Administrator shall issue an order to show cause to the alleged violator, directing the alleged violator to appear before the Board and show why the approval and/or permit should not be revoked or amended. The order to show cause shall set a time and date for hearing on the violation to be held at least fourteen (14) days from the date of the order. The order to show cause shall be personally served, posted on the property subject to the permit, or sent certified mail to the alleged violator and the owner, if different.

The Board shall conduct the show cause hearing and the violator and/or owner may present evidence as to why the County should not revoke the land use approval or permit or amend the conditions on the approval or permit. The Board may also hear from individuals directly aggrieved by the alleged violation. No other individuals have the right to be heard at the hearing. The Board shall determine whether to revoke the permit and/or amend conditions within fourteen (14) days after the conclusion of the hearing. The Board shall notify the alleged violator and/or owner in writing of its decision.

(C) Remedies

The following remedies for enforcement of the Code shall be cumulative and shall in no way limit the County's authority to seek any other remedy available at law for violations of these Regulations.

- (1) Deny and withhold all permits, certificate or other form of authorization to use or develop any land, structure or improvements on the property where the violation is occurring.

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- (2) Criminal prosecution and the associated fines and penalties.
 - (3) Initiate injunction or abatement proceedings or other appropriate legal action in district court or other court having jurisdiction against any person, firm, corporation or entity who fails to comply with any provision of these Regulations or any requirement or condition imposed under these Regulations.
 - (4) Seek a court order in the nature of mandamus, abatement, injunction or other action to abate or remove a violation or otherwise restore the premises to the condition that existed before the violation.
 - (5) Civil prosecution and associated fines and penalties.
- (D) No oversight or error on the part of the Planning Director, his/her appointed designee's, assistants, or any official or employee of the County shall legalize, authorize, or excuse the violation of any of the provisions of these Regulations.

Section 5. Section of 6-110 of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pursuant to C.R.S. 30-28-114 as amended, the Board of County Commissioners authorizes the Planning Administrator and his designees to perform the following enumerated duties:

- (A) To respond to complaints regarding violations of these Regulations and make regular inspections of properties in Morgan County. The procedure for responding to complaints and processing by the Planning Administrator shall be developed by the Administrator and then reviewed and approved by the County Attorney. In general, these procedures will involve letters of potential violation to the property owner by the Planning Administrator, issuing of a summons by the Morgan County Sheriff's Department, and eventual appearance of the violator in a court of law to defend the charges should corrections not be made.
- (B) To enter and inspect any building, structure, or tract of land in the unincorporated area of the County to determine compliance with these Regulations.
- (C) To issue written notices to alleged violators in accordance with this Chapter.
- (D) In cases where it is determined that the public health and safety may be endangered, a twenty-four (24) hour notice to cease and desist may be given to the violator.
- (E) To perform other such duties as may be necessary and appropriate to permit such agents to detect zoning violations, to give alleged violators notice, and to enforce compliance with these Regulations. The Planning Administrator may request in writing, from the property owner, the remedy of any such violation(s).

Section 6. Section of 6-115 of the Morgan County Zoning Regulations is hereby deleted and relocated to a new section 2-137 to read as follows:

2-137 Building and Zoning Permits

- (A) The Administrator shall not issue any building or zoning permit unless the plans for the proposed erection, construction, reconstruction, movement, alteration, or use fully conform to all applicable provisions of these Regulations.
- (B) All building and zoning permits issued pursuant to these Regulations shall expire and be deemed void if the permit has not been substantially acted on or there is no objectively measurable development activity within two (2) years from the date of approval of the permit.
- (C) A fee shall be charged in conjunction with issuing the building permit or zoning permit and shall be set by the Board of County Commissioners.

APPROVED this 7th day of January, 2020.

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

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

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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

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2020 BCC 01, Proposed Amendments To The Morgan County Zoning Regulations Regarding Various Sections, The Addition Of Section 6-108 And Section 6-115 Is Amended And Moved To Section 2-137. Ms. Cherry stated that on December 9, 2019 the Planning Commission met to consider amendments to the Morgan County zoning regulations related to enforcement. Planning Commission recommended the adoption of these amendments as presented on a vote of 7-0.

The changes include amendment to Sections:

- 6-100 – Intent
- 6-103 – Authority to Enforce
- 6-105 – Violations
- 6-110 – Inspections and Duties of Planning Administrator

In addition, Section 6-115 - Building and Zoning Permits was moved to Section 2-137, with amendment to paragraph (B).

There is a completely new Section 6-108 - Enforcement Procedures.
At this time Ms. Cherry asked for approval of the amendments.

Commissioner Becker made the motion to approve Resolution 2020 BCC 01 a Resolution Proposed Amendments To The Morgan County Zoning Regulations Regarding Various Sections, The Addition Of Section 6-108 And Section 6-115 Is Amended And Moved To Section 2-137 as presented by Morgan County Planning and Zoning Planning Administrator, Pam Cherry. Commissioner Arndt seconded the motion. At this time, the motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Randee Aleman, Chief Deputy Clerk, presented the Presidential Primary Election Equipment Logic and Accuracy Test will be Monday, January 27, 2020 at 8:30 a.m., with an alternate date of Tuesday, January 28th, 2020 at 1:00 p.m. The testing will be held at the Clerk and Recorder's Office 231 Ensign Street, Fort Morgan, Colorado.

Commissioners reviewed the calendar dated January 3, 2020 through January 14, 2020 with changes.

Commissioner Arndt provided the weekly road and bridge report ending January 3.

Being no further business the meeting was then adjourned at 9:13 a.m.

Respectfully Submitted,

Randee Aleman
Deputy Clerk to the Board

(Minutes ratified January 14, 2020)

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:

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s/Susan L. Bailey

Susan L. Bailey