

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting January 21, 2020

The Board of Morgan County Commissioners met Tuesday, January 21, 2020 at 9:06 a.m. with Chairman Pro Tem Jon Becker and Commissioner James Zwetzig in attendance with Chairman Mark Arndt being absent and excused.

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 Chairman Pro Tem Becker seconding the motion. Motion carried 2-0.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated January 14, 2020
2. Ratify the Board of County Commissioners approval of Contract 2019 CNT 151, Dr. Jack Gardner, Term of Contract December 1, 2019 through completion
3. Ratify the Board of County Commissioners approval of Contract 2019 CNT 152, Field of Opportunity Counseling, Term of Contract June 1, 2019 through May 31, 2020
4. Ratify the Board of County Commissioners approval of Contract 2020 CNT 019, City of Brush, Term of Contract January 1, 2020 through December 31, 2020
5. Ratify the Board of County Commissioners approval of Contract 2020 CNT 020, Waste Management, Term of Contract January 1, 2020 through December 31, 2020
6. Ratify the Board of County Commissioners approval of Contract 2020 CNT 021, Cover All Services Inc., Term of Contract January 6, 2020 through completion
7. Ratify the Board of County Commissioners approval of Contract 2020 CNT 022, Southern Fried, Term of Contract August 5, 2020
8. Ratify the Board of County Commissioners approval of the Morgan County Fairgrounds Fee Waiver Request for Brush Area Chamber of Commerce for event date January 23, 2020
9. Ratify Commissioner Mark Arndt's signature on DOLA CDBG-DR Procured Contract Certification Form, signed January 13, 2020
10. Ratify Chairman Pro-Tem Jon Becker's signature on Preliminary Grant Application for 2020 State EMS Grant, signed January 16, 2020
11. Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #191716
12. Ratify Chairman Pro Tem Jon Becker's signature on COR900000 Annual Report Form, Stormwater Discharges Associated with Non-Extractive Industrial Activity, signed January 17, 2020

Commissioner Zwetzig made a motion to approve items 1-12 as presented, Chairman Pro Tem Becker seconded the motion. At this time the motion carried 2-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RESOLUTION - 2019 BCC 18 (Correction Resolution) – A Resolution Granting A Use By Special Review For Establishment Of A Shop And Business Equipment Storage On A 5 Acre Portion On Lot 2, Endsley Minor Subdivision And 20 Acres In The SW¼ NE¼ Of Section 17, Township 3 North, Range 59 West Of The 6th P.M., Morgan County, Colorado

RESOLUTION 2019 BCC 18 (CORRECTION RESOLUTION)

A RESOLUTION GRANTING A USE BY SPECIAL REVIEW FOR ESTABLISHMENT OF A SHOP AND BUSINESS EQUIPMENT STORAGE ON A 5 ACRE PORTION ON LOT 2, ENDSLEY MINOR SUBDIVISION AND 20 ACRES IN THE SW¼ NE¼ OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 59 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Jared and Jamie Bodine (the "Owners") have applied for special use permit to allow a shop and equipment storage ("Application") related to their business Roadway Safety Solutions on a 5 acre portion of Lot 2, Endsley Minor Subdivision and an adjacent 20 acres in the SW¼ NE¼ of Section 17, Township 3 North, Range 59 West of the 6th P.M., Morgan County, (the "Property") as shown on the survey recorded at reception number **1601962** in the records of the Morgan County Clerk and Recorder;

WHEREAS, on July 8, 2019, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be approved with certain conditions;

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WHEREAS, on August 2, 2019, the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application;

WHEREAS, notice of the public hearing before the Board of County Commissioners was properly published and the notice was properly posted at the Property;

WHEREAS, during the public hearing the Board of County Commissioners received testimony and evidence from staff, the Owners and the public; and

WHEREAS, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application, subject to certain conditions set forth herein.

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. APPROVAL.

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the special use permit (hereinafter referred to as this "Resolution" or the "Permit"). The permitted area shall be that area shown on the survey recorded at reception number **1601962** in the records of the Morgan County Clerk and Recorder.

2. FINDING OF FACT.

Subject to the Owners meeting and complying with all conditions set forth herein, the following findings are made:

- a. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan by encouraging the preservation of agricultural production land to ensure continuation of this important industry.
- 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 the Zoning Regulations.
- d. All on and off-site impacts have been satisfactorily mitigated by requiring setbacks from adjoining properties.
- e. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County by establishing adequate setbacks from adjoining properties.
- f. The use does not pose risk to public health, safety and welfare as set by federal, state or county regulations.
- e. The proposed amendment is located on a conforming parcel.
- f. The public need for the project has been demonstrated with the growth that Roadway Safety Solutions has experienced, 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.
- g. A water supply is not necessary for the workshop and equipment storage use.

3. CONDITIONS.

The approval of the use by special review is conditioned upon the following:

- a. There shall be 100 feet setbacks on the east and west sides of the southern 20 acre portion of the permitted area.
- b. Operation and/or charging of all equipment shall be limited to hours between 6 a.m. – 9 p.m.
- c. The workshop and equipment storage shall be limited to the twenty-five acres designated on the map.
- d. Any increase in the area needed for the workshop and equipment storage will require an amendment to this permit.
- e. Equipment stored shall be used in the operation of Roadway Safety Solutions business.
- f. Owners shall submit a survey as required under Sec. 2-480 of the Morgan County Zoning Regulations, which shall conform with Sec. 8-180 of the Morgan County Subdivision Regulations, as required, within four months from the date of this approval.

4. GENERAL PROVISIONS.

- a. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County Representatives are authorized to inspect the Property at any reasonable time upon notice to the Owners.

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- b. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Applicant, which are incorporated into this Resolution.
- c. The Owners shall comply and ensure compliance by third parties with all requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 21st day of January, 2020 *nunc pro tunc August 2, 2019*.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2019 BCC 18 (Correction Resolution), A Resolution Granting A Use By Special Review For Establishment Of A Shop And Business Equipment Storage On A 5 Acre Portion On Lot 2, Endsley Minor Subdivision And 20 Acres In The SW¼ NE¼ Of Section 17, Township 3 North, Range 59 West Of The 6th P.M., Morgan County, Colorado. Ms. Cherry stated on December 17, 2019 the County Commissioners approved Resolution 2019 BCC 18 to allow a Special Use on property owned by Jared and Jamie Bodine, owners of Roadway Safety Systems. This resolution corrects the address and legal description as well as utilizing the resolution format requested by the Commissioners. The mylar for this Special Use Permit was recorded on Friday, January 17, 2020 at Reception #1601962. Commissioner Zwetzig explained that the action for the resolution was in August and this is just a correction and asked if there are necessary safe guards for making sure that documents have correct addresses and legal descriptions, with Ms. Cherry stating yes there is going forward.

Commissioner Zwetzig made the motion to approve Resolution 2019 BCC 18 (Correction Resolution), a Resolution Granting A Use By Special Review For Establishment Of A Shop And Business Equipment Storage On A 5 Acre Portion On Lot 2, Endsley Minor Subdivision And 20 Acres In The SW¼ NE¼ Of Section 17, Township 3 North, Range 59 West Of The 6th P.M., Morgan County, Colorado as presented by Morgan County Planning and Zoning Planning Administrator, Pam Cherry. Chairman ProTem Becker seconded the motion. At this time, the motion carried 2-0.

UNFINISHED BUSINESS

There was no unfinished business.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated January 17, 2020 through January 28, 2020 with no changes.

Commissioner Zwetzig submitted the road report ending January 17, 2020 into the minutes.

Being no further business the meeting was then adjourned at 9:10 a.m.

Respectfully Submitted,

Randee Aleman
Deputy Clerk to the Board

(Minutes ratified January 28, 2020)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Jon J. Becker
Jon J. Becker, Chairman Pro Tem

s/James P. Zwetzig
James P. Zwetzig, Commissioner

(SEAL)

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ATTEST:

s/ Susan L. Bailey

Susan L. Bailey