

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

### Minutes of Meeting

May 3, 2022

As reflected in posted agenda:

**Due to Covid-19, Remote Attendance Is Encouraged. If You Have Any Questions Regarding Attending The Meeting, Please Contact Karla Powell at 970-542-3500. 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/82374473713> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 823 7447 3713**

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/82374473713> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 4 p.m. on Monday May 2, 2022.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/82374473713> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 823 7447 3713

The Board of Morgan County Commissioners met Tuesday, May 3, 2022 at 9:00 a.m. with Chairman Jon Becker, Commissioner Gordon Westhoff and Commissioner Mark Arndt in attendance. Chairman Becker asked Morgan County Commissioner Mark Arndt to lead the meeting in the Pledge of Allegiance.

### CITIZEN'S COMMENT

There was no citizen comment provided.

### CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated April 19, 2022.
2. Ratify the Board of County Commissioners approval of meeting minutes dated April 26, 2022.
3. Ratify the Board of County Commissioners approval of Contract 2022 CNT 049, Keefe Construction Services, Term of Contract April 15, 2022 through completion
4. Ratify the Board of County Commissioners approval of Contract 2022 CNT 050, Scott Brindisi dba Duck Down Masonry, Term of Contract April 15, 2022 through completion
5. Ratify the Board of County Commissioners approval of Contract 2022 CNT 051, Hill Petroleum, Term of Contract April 1, 2022 through September 30, 2022
6. Ratify the Board of County Commissioners approval of CW Revised Policies signed May 2, 2022
7. Ratify Chairman Jon Becker's signature on the Storm-water Inspection Form-Inspection Date April 18, 2022, signed May 2, 2022
8. Ratify the Board of County Commissioners approval of Fairgrounds Fee Waiver Request for Brush Rodeo Association, signed April 25, 2022
9. Ratify the Board of County Commissioners approval of Rental/Lease Agreement for 602 Ellsworth, Brush, CO 80723, signed May 2, 2022
10. Ratify Chairman Jon Becker's signature on the Morgan County Veterans Service Monthly Report for April 2022 signed May 2, 2022.
11. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #212701, #213074, #212703, #213016, #212884B, #212492, #212760, #212917, #212904, #213121, #212765, #213097A, #212949, #212911, #212892, #212332, #212360, #212677, #212884A, #213154, #213230, #213028, #212673, #212919, #212999, #212682, #213082, #213085, #213024, #212913, #213156, #212762B, #213184, #212930, #212849, #213266, #212791, #212872, #213080B, 3213080A, #212981, #213241, #212931, #212926, #212745, #213279, #212879, #212865, #213048, #213050, #212835, #212524B

Commissioner Westhoff asked to remove Item #3 due to the contract being incomplete as of this date. Commissioner Arndt seconded the motion, and motion passed 3-0.

At this time, Commissioner Westhoff made a motion to approve items 1-2 and 4 -11 as presented, Commissioner Arndt seconded the motion. At this time the motion carried 3-0.

### UNFINISHED BUSINESS

There was no unfinished business.

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**GENERAL BUSINESS AND ADMINISTRATIVE ITEMS**

**Consideration of Approval – 2022 BCC 12 A Resolution Granting A Three-Lot Minor Subdivision, Known As The 7/S Land And Cattle Minor Subdivision, Located In The SE¼ Of Section 24 And The NE1/4 Of Section 25, Township 4 North, Range 58 West Of The 6th Of P.M. Morgan County, Colorado**

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

**RESOLUTION 2022 BCC 12**

**A RESOLUTION GRANTING A THREE-LOT MINOR SUBDIVISION, KNOWN AS THE 7/S LAND AND CATTLE MINOR SUBDIVISION, LOCATED IN THE SE¼ OF SECTION 24 AND THE NE1/4 OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 58 WEST OF THE 6TH OF P.M. MORGAN COUNTY, COLORADO**

**WHEREAS**, 7/S Land and Cattle Company, LLC. (Owner) own property located in the SE1/4 of Section 24 and in the NE1/4 of Section 25, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M. Morgan County, Colorado. Addressed as 17545 Co Road V and 19961 Co Road 18, Fort Morgan, Colorado 80701(Properties);

**WHEREAS**, 7/S Land and Cattle Company, LLC. (Applicant) have submitted an application for a three-lot minor subdivision;

**WHEREAS**, the Applicant has applied for approval of a three-lot minor subdivision of the Property into three lots pursuant to the County’s Subdivision Regulations (the “Application”);

**WHEREAS**, on April 11, 2022, the Morgan County Planning Commission held a duly noticed public hearing on the application;

**WHEREAS**, during the public hearing, the Planning Commission received testimony and evidence from the Owner, Morgan County staff and the public and recommends approval;

**WHEREAS**, on April 26, 2022, the Board of County Commissioners (Board) held a duly noticed public hearing on the Application;

**WHEREAS**, during the public hearing, the Board received testimony and evidence from the Owner, Morgan County staff and the public; and

**WHEREAS**, the Board desires to approve the Application.

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

1. The Board, having reviewed the application, all information provided and testimony heard, finds that:
  - a. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access.
  - b. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.
  - c. The subdivision is compatible with surrounding land uses.
2. The Board hereby approves the 7/S Land and Cattle Minor Subdivision, located in the SE1/4 of Section 24 and in the NE1/4 of Section 25, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M. Morgan County, Colorado,

DATED this 3rd day of May, 2022, *nunc pro tunc*.

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

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

s/Gordon H. Westhoff  
Gordon Westhoff, Commissioner

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

# COMMISSIONERS PROCEEDINGS 3

(SEAL)

ATTEST:

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Susan L. Bailey

Morgan County Planning and Zoning Director, Nicole Hay presented to the Board for approval Resolution 2022 BCC 12, a Resolution Granting A Three-Lot Minor Subdivision, Known As The 7/S Land And Cattle Minor Subdivision, Located In The SE¼ Of Section 24 And The NE1/4 Of Section 25, Township 4 North, Range 58 West Of The 6th Of P.M. Morgan County, Colorado. Ms. Hay stated that on April 11, 2022, the Planning Commission held a public hearing on an application 7/S Land and Cattle Company, LLC., for a three-lot Minor Subdivision to be known as 7/S Land and Cattle Minor Subdivision located in the SE1/4 of Section 24 and in the NE1/4 of Section 25, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M. Morgan County, Colorado. Addressed as 17545 Co Road V and 19961 Co Road 18, Fort Morgan, Colorado 80701. The Planning Commission recommended approval on a vote of 6-0, 1 member was absent. On April 26, 2022, the Board of County Commissioners considered the application and approved it unanimously. Resolution 2022 BCC 12 reflects the outcome of that hearing.

Commissioner Arndt made the motion to approve Resolution 2022 BCC 12, a Resolution Granting A Three-Lot Minor Subdivision, Known As The 7/S Land And Cattle Minor Subdivision, Located In The SE¼ Of Section 24 And The NE1/4 Of Section 25, Township 4 North, Range 58 West Of The 6th Of P.M. Morgan County, Colorado as presented by Morgan County Planning and Zoning Director, Nicole Hay, noting the Board will be signing nunc pro tunc. Commissioner Westhoff seconded the motion and motion carried 3-0.

**Consideration of Approval – 2022 BCC 13 A Resolution Amending The Morgan County Subdivision Regulations Concerning The Timeframe To Provide Title Commitments As Part Of The Submittal Requirements For Subdivisions**

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

**RESOLUTION 2022 BCC 12**

**A RESOLUTION AMENDING THE MORGAN COUNTY SUBDIVISION REGULATIONS  
CONCERNING THE TIMEFRAME TO PROVIDE TITLE COMMITMENTS AS PART OF THE  
SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS**

WHEREAS, the Board of County Commissioners desire to increase the timeframe for title commitments provided by applicants as part of the submittal requirements for certain subdivision applications;

WHEREAS, on April 11, 2022, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval;

WHEREAS, on April 26, 2022, 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 6-120(B)(4) of the Morgan County Subdivision Regulations is repealed and reenacted to read as follows:

Proof of ownership consisting of a title commitment issued within the previous six (6) months. If the application is incomplete, the County may require that the title commitment be updated.

Section 2. Section 6-180 of the Morgan County Subdivision Regulations is amended by the addition of a new subsection (E) to read as follows:

A title insurance commitment or policy including a schedule of exceptions to title dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in

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any dedication, if applicable. If the Board of County Commissioners grants approval to such plat with a dedication, it may be a condition to such approval that applicant provide a title insurance policy to the County prior to recording the plat.

Section 3.            Section 8-170(A) of the Morgan County Subdivision Regulations is amended to read as follows:

A title insurance commitment or policy including a schedule of exceptions to title dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in any dedication, if applicable. If the Board of County Commissioners grants approval to such plat with a dedication, it may be a condition to such approval that applicant provide a title insurance policy to the County prior to recording of the plat.

Section 4.            Section 8-210 of the Morgan County Subdivision Regulations is amended to read as follows:

Following approval of the minor subdivision plat by the Planning Commission, the Staff shall retain the plat, assuming there are no corrections, together with all supplemental documents for transfer to the Board of County Commissioners at its next regular meeting. The subdivider shall make a presentation to the Board of County Commissioners explaining the plat and the documents. The Board of County Commissioners shall check the plat, especially with regard to proper signatures, required improvements and acceptance of the area dedicated for public use, and shall approve or disapprove the plat. If applicable, the Board shall consider a subdivision improvement agreement for any required public improvements.

Section 5.            Section 9-150(C)(3) of the Morgan County Subdivision Regulations is repealed and reenacted to read as follows:

Proof of ownership in the form of a title insurance commitment or policy, including a schedule of exceptions to title, dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in any dedication, if applicable. If the Board of County Commissioners or the Planning Administrator grants approval to such plat with a dedication, it may be a condition to such approval that applicant provide a title insurance policy to the County prior to recording of the plat.

Section 6.            Section 10-100(D)(3) of the Morgan County Subdivision Regulations is amended to read as follows:

Proof of ownership that includes an updated or current title information binder or insurance policy issued no more than 6 months prior to the date of application. If the application is incomplete, the County may require that the title commitment be updated.

Section 7.            Section 10-200(D)(3) of the Morgan County Subdivision Regulations is amended to read as follows:

Except for changes to plat note or condition, proof of ownership that includes an updated or current title information binder or insurance policy issued no more than 6 months prior to the date of application. If the application is incomplete, the County may require that the title commitment be updated.

Section 8.            Sections 10-400(D)(3), 10-500(D)(3), and 10-600(D)(3) of the Morgan County Subdivision Regulations are amended to read as follows:

Proof of ownership that includes an updated or current title information binder or insurance policy issued no more than 6 months prior to the date of application. If the application is incomplete, the County may require that the title commitment be updated.

DATED this 3rd day of May, 2022, *nunc pro tunc*.

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

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

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s/Gordon H. Westhoff  
Gordon Westhoff, Commissioner

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

# COMMISSIONERS PROCEEDINGS 5

(SEAL)

ATTEST:

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Susan L. Bailey

Morgan County Planning and Zoning Director, Nicole Hay presented to the Board for approval Resolution 2022 BCC 13, a Resolution Amending The Morgan County Subdivision Regulations Concerning The Timeframe To Provide Title Commitments As Part Of The Submittal Requirements For Subdivisions. Ms. Hay stated that the Planning Commission considered this resolution on April 11, 2022 which amends the Morgan County Zoning Regulations to allow proof of ownership consisting of a title commitment issued within the previous six (6) months. Planning Commission recommended approval on a vote of 6-0, 1 member was absent. Board of County Commissioners considered this resolution on April 26, 2022 and unanimously approved it. Resolution 2022 BCC 13 reflects the outcome of that hearing.

Commissioner Westhoff made the motion to approve Resolution 2022 BCC 13, a Resolution Amending The Morgan County Subdivision Regulations Concerning The Timeframe To Provide Title Commitments As Part Of The Submittal Requirements For Subdivisions as presented by Morgan County Planning and Zoning Director, Nicole Hay, noting the board will be signing nunc pro tunc. Commissioner Arndt seconded the motion and motion carried 3-0.

**COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Morgan County Planning Director Nicole Hay introduced her new employee Jenafer Santos who will be employed as a Planning Clerk in her office.

Morgan County Clerk and Recorder provided an update regarding the upcoming Primary Election noting there will be Logic and Accuracy Testing of the election equipment as statutorily required on May 18, 2022 at 9 a.m. with an alternate date of May 19, 202 at 9 a.m.

Commissioner Arndt made comment about the recent weather event and noted the damage caused by the recent winds and the road and bridge department are working diligently on repairs.

Being no further business the meeting was then adjourned at 9:12 a.m.

Respectfully Submitted,

Susan L. Bailey  
Clerk to the Board

(Minutes ratified May 17, 2022)

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

\_\_\_\_\_  
Jon J. Becker, Chairman

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Gordon Westhoff, Commissioner

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Mark A. Arndt, Commissioner

(SEAL)

ATTEST:

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Susan L. Bailey