

**BOARD OF MORGAN COUNTY COMMISSIONERS**  
**Minutes of Public Meeting**  
**February 25, 2011**

The Board of Morgan County Commissioners met on Friday, February 25, 2011 at 1:03 a.m. with Chairman Tony Carlson, Commissioner Laura Teague, and Commissioner Brian McCracken in attendance.

This meeting was at the request of Mr. John Longacre who requested to meet with the Board of County Commissioners and his attorney regarding the Fort Morgan Airport. The Board of County Commissioners had in attendance Barb Gorrell, Planning and Zoning, George Monsson, County Attorney and Susan Bailey, Administrative Services Manager.

Chairman Tony Carlson opened the meeting asking Mr. Longacre to provide a summary as to the reason for his meeting request. Mr. Longacre introduced his attorneys, Mr. Patrick Schilken and Mr. Doug Widlund.

Mr. Longacre inquired of Commissioner Laura Teague about her attendance at a previous meeting held with the City of Fort Morgan and the fact that she had asked to meet with the impacted parties to allow them to share their thoughts about this project. Commissioner Teague expressed her concern about the fact that there have been indications for terms of condemnation and she wants to see a way to make this project work for all parties involved and does not want it to go to the extent of condemnation. She would like to see everyone come to the table and find a solution that everyone can agree on. She stated she would like to be provided with a bit of history of the project.

Mr. Longacre stated that he has concerns with the City of Fort Morgan and the change of personnel, starting with the termination of City Superintendant Michael Nagy and so forth. It seems like the city is always trying to start anew and are not keeping historical information to continue working on the deal stating that the airport is a high dollar enterprise deal. He further expressed his concerns to the Board regarding the air space issue.

Mr. Longacre expressed his opinion of how he would like to see the City of Fort Morgan move forward in the process, such as the City purchase a bond and then go back to obtain a grant to pay back the bond for the project.

Chairman Carlson indicated that the Board of County Commissioners cannot tell the City of Fort Morgan how to run their business. The Board is here to ask what the Board of County Commissioners can do to help negotiate with the City and make this work out for everyone.

A gentleman attending the meeting indicated that the City has not communicated with him and it has been a frustrating process for all property owners involved.

Chairman Carlson informed the group that a discussion had previously taken place with Mr. Dan Dean, City of Fort Morgan that the County was requiring information that indicated landowners' approval before the County would become involved and further look into the project. Mr. Longacre expressed his concern about property loss.

Further discussion followed regarding the appraisal process, eminent domain and the feasibility of the plan that may not be there. Discussion regarding what was acquired when Denver International Airport was built and Mr. Widlund indicated that he represented City of Denver in that situation and that there is a process that must be followed. It was mentioned that it was hoped the City is not placing the cart before the horse.

Mr. Longacre touched on the subject of the deal with Mr. Larrick and the value he was given for his land. He stated, "A 900 pound gorilla is the way the Larrick deal was done, it was not appraised, sold and approved, if the deal was done that way, was it an inside deal?" He further discussed his feelings that the Larrick sale affected other matters within Morgan County, such as the pipeline project which added great value to Morgan County. Mr. Longacre stated that Mr. Larrick received a total of \$78,000 for 14 acres.

A gentleman asked if there is a 100 foot rule for private air space. County Attorney Monsson answered that there is an FAA rule about normal private aircraft not being allowed to go below an altitude around airports, that there is sort of a cone that comes down that is to be clear air space and the city is asking the County to place restrictions on the air space.

The gentleman felt they have an airspace value and feels this project affects more people as to airspace, and not to diminish the Longacres' concerns, but expressed his concern about the airspace.

As to standards, such as value of the air space, discussion followed with Mr. Widlund inquiring who is imposing that regulation since he has the feeling that the City of Fort Morgan is looking at the County to be the regulator. He asked if the County has thought about putting in place an Intergovernmental Agreement with the City of Fort Morgan to try and allocate some of that exposure.

Commissioner Teague asked the question, "What can the FAA force the County to do?" Mr. Monsson answered, the County can decide to impose county regulations or we can decline to, and that is a decision that is up to the Board of County Commissioners. No one can force the County to legislate in a certain way.

Chairman Carlson stated that he feels the Commissioners are stuck in the middle and they want to work together with the City and all parties involved.

Mr. Widlund has asked Armstrong and Associates if there is any funding and he asked the county the same question. Commissioner Teague stated that the City has not asked the County and the County has not yet met with the City of Fort Morgan regarding this. The County has not adopted an airport influence zone and no particular overlay for any area.

Mr. Chuck Miller asked about the map dated 2003 and would the County have the ability to discard, and force the city to act or destroy. Commissioner Teague stated she does not feel that the City has that authority to act. Mr. Monsson explained to the group the past on goings as he recalls. Mr. Miller stated that in being a real estate agent, he would have to disclose information such as the information included in this map. Mr. Monsson stated that he feels it was a proposal in 2003-2004 and the county did not feel it was a positive project and discussion ended the Board took no stance in the project at that time.

Mr. Miller agreed with Mr. Monsson, and his question now is, is there any way to require them to start over? Mr. Monsson indicated that if there should be a change in FAA regulations or a change in landowners, there would have to be some major changes to start over.

It was the general consensus of the group that if the City would be open and honest with all parties involved, things would go much smoother. Chairman Carlson asked the group if they felt it would be a good idea to schedule a meeting with the City and would defer that question to everyone in attendance of this meeting.

Mr. Longacre again expressed his feelings of having been harmed throughout this entire process and said the City is not talking with them. Commissioner McCracken informed the group that the City has not talked with the County and explained that the County informed the City in the past that the County will allow this if the City should get the landowners to sign off approving the overlay.

Mr. Miller asked for information regarding condemnation. Mr. Monsson proceeded to explain if the City should condemn, the County is not a party to that action. The County does not have any standing. The City could ask the County to rezone, but the County has the option to do it or not to do it. There is no annexation involved in this project.

The overlay zone is what is in question, the City has asked landowners to annex their property and they have refused. Mr. Monsson stated it is pretty tough to force an annexation. It would be and could be considered a flagpole annexation. Mr. Widlund stated that it does not affect the City's ability to condemn.

Mr. Miller asked can the County Commissioner body come up with some type of resolution to protect these landowners in the future with the change in board members such as something that would state the County's position at this time in all of this. Mr. Monsson stated the County could adopt a statement, such as a press release of what the present board's stance is.

Mr. Widlund stated that the City, at some point, will come to the County and ask to approve the overlay again. Mr. Monsson agreed with this statement and it will then be up to the Board of County Commissioners to decide at that time.

Ms. Gorrell explained that there had been an overlay request before, and she does not feel it ever came to a formal hearing. Mr. Monsson indicated that there had never been a formal application it was just left at an administrative level and never got any further.

A citizen in attendance stated there is a value in a negative vote. The City can drag this out and cost the landowners legal fees. Mr. Longacre indicated that he feels that everyone in a 3 mile radius should be entitled to their fair share, just as the Larricks' were compensated.

Further discussion took place regarding the funding for the project. Attorney Schilken stated that the source of funding is not important in condemnation. Commissioner Teague stated that the City should have funding in place before moving forward with the project. Mr. Monsson indicated that if the City is going to apply for grant funding, they need to have all their ducks in a row, have the approval from the County regarding the overlay, appraisals completed, and that if these things are not in place, they will not obtain grant funding from the federal government.

Mr. Wacker stated that the City started the condemnation process once before regarding their property and this cost him approximately \$3,000.00 in legal fees. They had obtained an appraisal and then dropped the issue. He indicated that Mr. Pat Merrill, last July stated they had the money to buy his property and that a survey was needed. He has not heard back from the City since.

Ms. Gorrell agreed with Mr. Longacre's statement making sense that there has been so many staff changes over the years, that it has not helped this process move along very smoothly.

Mr. Monsson suggested that perhaps it would be wise to meet with the City Council rather than the staff. Mr. Wacker stated that he tried talking to council and they informed him that they could not meet with him, that he would need to discuss the matter with staff. Mr. Monsson stated that being an elected official, by nature, they may be more sensitive to their constituents.

Commissioner Teague stated that the Airport Advisory meetings are open to the public and Mr. Wacker stated that they do not keep record during these meetings. Mr. Longacre agreed, stating there is no evidence of commitment.

Mr. Monsson stated that any kind of public meeting is an open meeting, and anyone can sit in on those meetings. Attorney Schilken suggested that the City be reminded that the overlay has not been approved. Mr. Monsson stated that a letter could be sent to the City indicating this.

Commissioner McCracken asked if this should be in letter form or be expressed in an open public meeting. Mr. Monsson felt it would be best to get something in writing put in place that indicates the County's position. Attorney Schilkin stated that "silence also says a lot, which could leave it as a "pipe dream".

Commissioner Teague suggested placing language in our land regulations stating that as of such and such date in 2011, no overlays have been adopted by Morgan County. She feels this would eliminate the confusion and the County could add overlay zones as they are adopted. It was decided that this could be done administratively.

It was further discussed by all that a meeting should be scheduled with all city elected officials and affected parties present. Mr. Miller asked if anything can be done regarding the Larrick Sale. Mr. Monsson stated that the older it gets, the less weight it carries in his opinion. Mr. Miller wondered if it could carry some longevity in this purpose.

Chairman Carlson wrapped up the meeting stating that the next step in this process should be a meeting with City Council and have Ms. Gorrell amend the regulations administratively and issue a new page to everyone necessary.

It will be attempted to schedule an afternoon meeting with the City Council and all parties involved about one month from now, tentatively scheduled for the third or fourth week of March, 2011.

After no further discussion, the meeting adjourned at 2:15 p.m.

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

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Tony Carlson, Chairman

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Laura Teague, Commissioner

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Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

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Susan Bailey, Administrative Services Manager