

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting January 19, 2016

The Board of Morgan County Commissioners met on Tuesday, January 19, 2016 at 9:00 a.m. with Chairman Laura Teague and Commissioner Brian McCracken in attendance. Commissioner James Zwetzig was absent. Chairman Laura Teague called the meeting to order and asked Morgan County Citizen Craig Harris to lead the meeting in the Pledge of Allegiance.

CONSENT AGENDA

Ratify the Board of County Commissioners approval of Contract 2016 CNT 006, Waste Management of Colorado, Recycling Agreement Solid Waste Department Term of Contract January 1, 2016 through December 31, 2016

Ratify the Board of County Commissioners approval of Contract 2016 CNT 007, Wiggins Electric, Repairs Solid Waste Department, Term of Contract December 28, 2015 until completed

Ratify the Board of County Commissioners approval of Contract 2016 CNT 008, Quad County Plumbing and Heating, Inc., Repairs BOCC Office, Term of Contract January 4, 2016 until completed

Ratify the Board of County Commissioners approval of Contract 2016 CNT 009. Standard Glass, Repairs Administration Building, Term of Contract November 18, 2105 until completed

Ratify the Board of County Commissioners approval of Contract 2015 CNT 010, Jackson Lake Reservoir and Irrigation Company Water Share Lease to Fort Morgan Water Company Ltd., Term of Contract January 1, 2016 to December 31, 2016

Ratify Chair Laura Teague's signature on Stormwater Inspection Form dated January 14, 2016

Ratify Chair Brian McCracken's signature on Morgan County Treasurer and Public Trustee Report for time period January 2015 through December 2015 dated January 11, 2016

Ratify the Board of County Commissioners appointment of Lisa Northrup as the City of Fort Morgan Representative to the Tourism Panel.

Ratify the Board of County Commissioners correction of Fair Board member terms for Jason Frasco, Tim Gibbs and Daniel Kendrick to 3 years.

Commissioner McCracken made a motion to approve all items on the Consent Agenda as presented. Chairman Teague seconded the motion and motion carried 2-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

CONSIDERATION OF APPROVAL – RESOLUTION - 2016 BCC 5 - A Resolution Clarifying the Zoning of a Parcel of Land as Heavy Industrial RESOLUTION

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2016 BCC 05

A RESOLUTION CLARIFYING THE ZONING OF A PARCEL OF LAND AS HEAVY INDUSTRIAL

WHEREAS, on December 27, 2005, via Resolution 2005 BCC 79, the Board of County Commissioners approved the rezoning of a parcel of property with the legal description set forth in **Exhibit A** (the "Property"), from Agricultural to Heavy Industrial;

WHEREAS, Section 3(a) of the resolution contained the following express condition:

If a Special Use Permit or a Conditional Use Permit has not been issued for a project on the site, or if a Special Use Permit or a Conditional Use Permit has been issued but major construction has not begun or is not under contract within three (3) years of the date of this resolution the zoning on this property shall revert to the Agriculture (A) Zone.

WHEREAS, no hearing was ever held to determine whether the above-referenced conditions were met and no subsequent formal action was taken by the Board of County Commissioners to rezone the property from Heavy Industrial;

WHEREAS, pursuant to *Spiker v. City of Lakewood*, 603 P.2d 130 (Colo. 1979), *Applebaugh v. Board of County Commissioners of San Miguel County*, 837 P.2d 304 (Colo. App. 1992), *Colo. Leisure Products, Inc. v. Johnson*, 532 P.2d 742, (Colo. 1975), and the provisions of C.R.S. § 30-28-116, automatic reversionary provisions in zoning ordinances are null and void; and

WHEREAS, the Board of County Commissioners desires to pass this Resolution clarifying that the zoning of the Property is currently Heavy Industrial, because the automatic reversionary clause in Section 3(a) of Resolution 2005 BCC 79 was null and void and no formal action was taken to rezone the Property after it was zoned Heavy Industrial.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

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Section 1. The Property is currently zoned Heavy Industrial.

APPROVED this 19th day of January, 2016.

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

s/ Laura D. Teague
Laura D. Teague, Chairman

s/Brian K. McCracken
Brian K. McCracken, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Morgan County Planning Administrator John Crosthwait presented to the Board for approval, Resolution 2016 BCC 5, A Resolution Clarifying the Zoning of a Parcel of Land as Heavy Industrial by reading aloud the resolution as written.

Commissioner McCracken made a motion to approve Resolution 2016 BCC 5, a Resolution Clarifying the Zoning of a Parcel of Land as Heavy Industrial, as outlined by Morgan County Planning Administrator John Crosthwait. Chairman Teague asked Crosthwait if there was an obligation for a public hearing and Crosthwait said there wasn't. Chairman Teague seconded the motion and motion carried 2-0.

CONSIDERATION OF APPROVAL – 2016 PMT 02 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2016 PMT 02, with Morgan County Quality Water District. Mr. Goodman stated this right of way permit is for the purpose of installation of a new water service located approximately 2200 feet east of Morgan County Road 19 on the north side of Morgan County Road Q, Morgan County, Colorado. Mr. Goodman stated he has completed the necessary inspection and all fees are attached in the amount of \$50.00.

Commissioner McCracken made a motion to approve Permit 2016 PMT 02 with City of Fort Morgan as outlined in the permit document and as presented by Morgan County Road Supervisor John Goodman, authorized the Chair to sign, and noted the fees are attached. Chairman Teague seconded the motion and motion carried 2-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Treasurer and Public Trustee Bob Sagel presented to the Board the Morgan County Treasurer's Fourth Quarter Report for 2015. Mr. Sagel provided detailed written information to the Board and stated collection percentages of taxes are same as prior year at 99.93 %. Mr. Sagel indicated that the treasurer's fees earned are down a bit, and further summarized the remaining information submitted.

Mr. Sagel stated Morgan County's started more foreclosure files this year but experienced fewer sales. He indicated that Morgan County had twenty nine sales in 2015 compared to the thirty nine sales last year which resulted in fewer deeds being issued.

Commissioner McCracken made a motion to approve Morgan County Treasurers report as submitted by Treasurer and Public Trustee Bob Sagel. Chairman Teague seconded the motion and motion carried 2-0.

Commissioners reviewed the calendar dated January 15, 2016 through January 26, 2016 with no changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT

There were no citizen comments.

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

Respectfully Submitted,
Denise Gettman
Deputy Clerk to the Board

(Minutes ratified January 26, 2016)

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

s/ Laura D. Teague
Laura D. Teague, Chairman

s/Brian K. McCracken
Brian K. McCracken, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey