

COMMISSIONERS PROCEEDINGS 1

BOARD OF MORGAN COUNTY COMMISSIONERS

Minutes of Meeting

January 21, 2014

The Board of Morgan County Commissioners met on Tuesday, January 21, 2014 at 9:04 a.m. with Chairman Pro Tem Brian McCracken and Commissioner Laura Teague in attendance. Chairman Jim Zwetzig was absent. Chairman Pro Tem McCracken called the meeting to order with Morgan County Information Systems Manager Karol Kopetzky leading the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Consideration of Approval of the Board of County Commissioners Special Meeting Minutes dated January 14, 2014 (including Planning and Zoning Hearing Minutes from December 24, 2013)

Ratify Chair Laura Teague's signature on the Morgan County Department of Solid Waste Management Application for Credit for Western Cleanup Corporation and DM Insulating Company

Ratify Chair Laura Teague's signature on the COR9000000 Annual Report Form, Stormwater Discharges Associated with Non-Extractive Industrial Activity Report, dated January 13, 2014

Ratify Chair Laura Teague's signature on the Discharge Monitoring Report, for Morgan County Solid Waste Management Department, dated January 13, 2014

Ratify Chair Laura Teague's signature on the Report of Changes, Corporation, Limited Liability Company and Partnership, Liquor and 3.2 Beer Licenses for the City of Fort Morgan, dated January 13, 2014

Ratify the Board of County Commissioners approval to the Request for Waiver of Fees for the use of the Morgan County Fairgrounds, filed by Morgan County Home School Network, date of event February 28, 2014

Ratify the Board of County Commissioners approval to the Request for Waiver of Insurance Requirements for use of the Morgan County Fairgrounds, filed by Rocky Mountain Brown Swiss, Cattle Show, requiring individual waivers, date of event June 14, 2014

Ratify the Board of County Commissioners approval of Contract #2014 CNT 06 – Tyler Technologies

Ratify the Board of County Commissioners approval of Contract #2014 CNT 07 – Tyler Technologies

Ratify the Board of County Commissioners approval of Contract #2014 CNT 09 – Fort Morgan Water Company, Ltd.

Ratify the Board of County Commissioners approval of Contract #2014 CNT 11 – G&K Services, Uniform Rentals for Fleet and Bridge Departments

Ratify the Board of County Commissioners approval of Contract #2014 CNT 13 – Thyssenkrupp Elevator – Fleet Elevator Maintenance

Ratify Chair Laura Teague's signature on the Department of Human Services Financial Meeting Minutes dated December 9, 2013

Ratify the Board of County Commissioners Work Session Minutes for the month of December 2013

Commissioner Teague made a motion to approve all items on the Consent Agenda. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

CONSIDERATION OF APPROVAL-CONTRACT-2014 CNT 08-XTEK COMMUNICATIONS

Morgan County Information Systems Manager Karol Kopetzky presented to the Board for approval Contract 2014 CNT 08 with Xtek Communications for the T1 service conversion to change the phone system from CenturyLink to Microtechtel with Morgan County experiencing a significant savings. Kopetzky stated Morgan County Director of Communications Danette Martin put together the RFP for the T1 project. Kopetzky noted the services are through Xtek Communications with T1 and T2 programming levels which will be migrated to the new service with the T1 service providing additional functions for users including caller ID. Kopetzky stated work is being done internally to clean up the phone system. Kopetzky reported Herman Albrandt, owner of Xtek Communications, will do the conversion. Commissioner Teague made a motion to approve Contract 2014 CNT 08 with Xtek Communications for the T1 conversion in the amount not to exceed \$7,190.00 with an estimated completion time period of three months. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

CONSIDERATION OF APPROVAL-CONTRACT-2014 CNT 10-STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS-GRANT AWARD-INSTALLATION/UPGRADE OF EMERGENCY SERVICE EQUIPMENT

Morgan County Director of Communications Danette Martin presented to the Board for approval Contract 2014 CNT 10 between Morgan County and the State of Colorado Department of Local Affairs for the installation and upgrade of the emergency service equipment. Martin noted Morgan County applied for this grant several months ago and Morgan County has been awarded \$682,687.00. Martin stated the grant is for a three phase project for emergency radio equipment on the Digital Trunk Radio System. The first phase will replace loss of radio coverage in the southwest corner of Morgan County in the Hoyt, CO area with Adams County and Weld County migrating on to their own radio system. Martin noted radio equipment will be put on the existing tower which will help boost coverage for emergency responders. The second phase is to upgrade equipment on a tower located in the Pawnee area. The third phase is to replace the dispatch consoles which are part of the mandated upgrades on the Digital Trunk Radio System. Once the contract is signed, the next phase will be to get the service agreements signed with Motorola, then the purchasing of equipment can begin with an estimated completion date geared toward April 2014, however, per the DOLA Contract the project must be completed by January 31, 2015. Martin noted the grant money will only cover the radio towers. Laura asked what the total cost of the three projects are with Martin replying the total cost came in at \$1.7 million, however, according to the last proposal from Motorola the project cost was cut significantly to \$1.2 million. Commissioner Teague made a motion to approve Contract 2014 CNT 10 for a grant

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received from the State of Colorado Department of Local Affairs to be matched with 911 Emergency Telephone funds for the installation and upgrade of emergency service equipment specifically the towers as outlined by Martin. The amount of the grant award is \$682,687.00 noting that the grant amount could be affected by expenditures on the project with the project to be completed by January 31, 2015 as per the DOLA Contract and authorize the Chairman to sign. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

CONSIDERATION OF APPROVAL-CONTRACT-2014 CNT 12-MEMORANDUM OF UNDERSTANDING-COLORADO DEPARTMENT OF CORRECTIONS

Morgan County Director of Emergency Management Steve Enfante presented to the Board for approval Contract 2014 CNT 12 the Memorandum of Understanding between Morgan County Emergency Management and the Colorado Department of Corrections to facilitate emergency response cooperation between respective agencies to assist one another to provide emergency equipment and personnel for the purpose of responding to a major incident in the other agency's area. Enfante stated the Memorandum of Understanding is not intended to affect or extend the legal responsibilities of any of the agencies or to create or extend any legal rights to any person or entity not party to the MOU. Enfante noted the term of the contract is for five years effective upon approval and signature. Enfante stated Morgan County previously signed a Memorandum of Understanding, however, it was never acted upon and this contract will formalize the MOU. Commissioner Teague made a motion to approve Contract 2014 CNT 12 between Morgan County Emergency Management, the Morgan County Sheriff's Department and the Colorado Department of Corrections for the purpose of facilitating mutual aid between agencies with no money amount attached for five years effective upon approval and signature and authorize the Chairman to sign. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

CONSIDERATION OF APPROVAL-SETTLEMENT AGREEMENT-WAYWARD WIND MHP, LLC

CONSIDERATION OF APPROVAL-PROPERTY REMEDIATION AGREEMENT

Morgan County Planning Administrator John Crosthwait reported after visiting with the Morgan County Attorney concerning the Settlement Agreement with Wayward Wind MHP, LLC and the Property Remediation Agreement, it was mutually agreed that these two items are to be tabled because of completion of information and issues yet to be resolved and these items should be ready in the next week or two. Commissioner Teague made a motion to table the Settlement Agreement with Wayward Wind, MHP, LLC and the Property Remediation Agreement with the potential property buyer be tabled to a future agenda. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Treasurer and Public Trustee Bob Sagel presented to the Board for approval the Morgan County Treasurer's Fourth Quarter Report for 2013. Sagel reported the collection percentage on property tax decreased from last year at 99.91%. Treasurer's fees earned are up with total investments of \$36,642,286.56 based on an average daily balance of \$37,710,064.56. Interest earned is up at \$122,436.55 this year to date with an average interest rate of 0.325%. Foreclosure excess fees are down from last year by 23.43% due to new filings being down by 39.84%. New files, sales and deeds are down with the exception of withdrawals for foreclosure events. The releases of deeds of trusts are up by 15.99% from last year and the total of all reserved accounts is at \$6,341,619.16 which is up by 49.43% from last year. Commissioner Teague made a motion to approve the Morgan County Treasurer's Quarter 4th Quarter Report. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

Commissioners reviewed the calendar dated January 17, 2014 through January 28, 2014 with no changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT PERIOD

There were no citizen comments.

We hereby adjourn and are in recess at 9:22 a.m.

Respectfully submitted,

Dee Loose
Deputy Clerk to the Board

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

s/Brian McCracken
Brian McCracken, Chairman Pro Tem

s/Laura Teague
Laura Teague, Commissioner

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(SEAL)

ATTEST:

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS December 24, 2013 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, December 24, 2013 at 9:00 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners Teague, McCracken and Zwetzig. Also present were John Crosthwait, Planning Administrator; Connie Ingmire, Clerk and Recorder; and Susan Bailey, Administrative Services Manager for Morgan County.

The hearing was called to order by Chairman Commissioner Teague.

NEW BUSINESS:

This hearing was tabled at the December 17, 2013 Board of County Commissioners meeting and rescheduled for today, December 24, 2013 at 9:00 am. in order for the applicant to be present.

APPLICANT: RODGER L. STARK

LANDOWNERS: RODGER L. STARK AND MATT STARK

Application for a variance to minimum side yard setback located in Lot 1, Thelma's Minor Subdivision Plat in the W1/2SW1/4 Section 1, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, aka 17238 Hwy 34, Fort Morgan, Colorado 80701.

Rodger Stark and Matt Stark were present to represent the application.

John Crosthwait presented the file, recommended approval, as follows:

The applicants wish to construct a 30' x 36' car garage on the property they own. Their plan is construct the garage in a manner close to their property line between Westek Rentals, LLC., and the subject property will be easier to maintain, and will enhance the appearance. There is also an issue with the possible repair and maintenance of the septic tank being used for the house that may present a problem if the garage were to be located any closer than they have proposed.

The applicants are requesting a variance to the side setback from 10' to 1' on the East side of the property.

All appropriate notices, posting and publication requirements have been met. Property is zoned "C" Commercial. Taxes are paid. Site is not in the floodplain.

Rodger Stark, 16564 Co Rd 16, Ft. Morgan, said they re-measured the property lines and he believes the setback can be at two feet instead of one. Randy Jess from Jess' Dozer & Backhoe Service checked out the property and said part of the supply line to leach field would be under the garage pad, but this could be changed to go straight out from the septic if it ever needed to be repaired.

Commissioner Zwetzig believes this should be handled as two separate property owner requests by applicants. Commissioner Zwetzig asked John Crosthwait to explain the 10 foot setback requirement.

John Crosthwait explained that each zone has its own setback requirements. The setbacks are much smaller in a Commercial Zone. They are design standards for buildings; in this case it is due to proximity to neighbors, firefighting, maintenance, etc. The applicants indicated they want a closer setback so they can keep weeds down. They are distinct different owners for each of the properties and at some time in the future each parcel could be sold. These are design standards that were accepted in our rules many years ago.

Commissioner Teague said the request should reflect there are two landowners: Matt Stark and Rodger L. Stark own the parcel with the residence and the ones requesting the variance and (Rodger L. Stark, Sheryl A. Stark and Mathew A. Stark) dba Westek Rentals own the parcel that Westek Rentals is on. Commissioner Zwetzig said they can combine the two lots but in the future that would not be beneficial.

Commissioner Zwetzig indicated we ought to consider making a restriction so the adjoining property owners (Westek/Starks) cannot build near the other property line (parcel residence is on) because of having to fire proof structures that are built very close together. Commissioner Zwetzig asked the applicants if they would have a problem with adding this restriction to the permit. Commissioner Zwetzig suggested the Planning & Zoning Department set a specific requirement; it would be put on this permit request and it would be stipulated that they are restricted to a 20 foot setback instead of 10 feet along the west property line of Westek. Rodger Stark indicated that their utility lines are located along their west property line and they would not build near those lines anyway. John wondered what kind of instrument could be used for the Westek agreement. Commissioner Zwetzig said a letter in the file should work but it needs to stipulate that no structure shall be placed within 20 feet of Westek's west property line without a Variance from Morgan County.

John Crosthwait said he can come up with a letter agreement that will be attached to this file and he will work with Matt and Rodger Stark on the wording.

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The resolution shall read as follows:

**CORRECTED
RESOLUTION**

**2013 BCC 33
(showing the correct hearing date of December 24, 2013)**

**A RESOLUTION APPROVING A VARIANCE TO MINIMUM SIDE YARD SET BACK
LOCATED IN LOT 1, THELMA'S MINOR SUBDIVISION PLAT IN THE
W1/2SW1/4 SECTION 1, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH P.M.
MORGAN COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, held a properly noticed and published hearing on December 24, 2013, on the application of Rodger L. Stark as applicant, and Rodger L. Stark and Matt Stark as landowners for a Variance to minimum side yard setback from 10 feet to 2 foot for the purpose of constructing a 30' X 36' car garage located in Lot 1, Thelma's Minor Subdivision Plat in the W1/2SW1/4 of Section 1, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, aka 17238 Hwy 34, Fort Morgan, Colorado 80701, and

WHEREAS, the Board of County Commissioners heard testimony from the applicant regarding the application in which he stated that the Variance was necessary to prevent exceptional and undue hardship, and

WHEREAS, the Board of County Commissioners heard testimony from the Morgan County Planning Administrator, and

WHEREAS, there was no public comment on this application.

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

1. The application of Rodger L. Stark as applicant and Rodger L. Stark and Matt Stark as landowners for a Variance to minimum side yard setback from 10 feet to 2 feet for the construction of a car garage, located in Lot 1, Thelma's Minor Subdivision Plat in the W1/2SW1/4 Section 1, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, aka 17238 Hwy 34, Fort Morgan, Colorado 80701 is hereby granted.
2. Any past, present or future drainage problems on this property are the responsibility of the land owner and not that of Morgan County.
3. Landowners Rodger L. Stark and Matt Stark of Westek Rentals agree to the stipulation that no structure shall be placed within 20 feet of their west property line without a variance from Morgan County.

Dated this 24^h day of December, 2013.

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

s/Laura Teague
Laura Teague, Chairman

s/Brian McCracken
Brian McCracken, Commissioner

s/James Zwetzig
James Zwetzig, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

It was moved by Commissioner Zwetzig and seconded by Commissioner McCracken to approve the Resolution for an Application for a Variance to minimum side yard setback from 10 feet to 2 feet to construct a 30' x 36' car garage located in Lot 1, Thelma's Minor Subdivision Plat in the W1/2SW1/4 Section 1, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, aka 17238 Hwy 34, Fort Morgan, Colorado 80701 on the condition that landowners Rodger L. Stark and Matt Stark of Westek

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Rentals agree to stipulation that no structures shall be placed within 20 feet of their west property line without a Variance from Morgan County.

Commissioner Teague retracted the motion noting public comment had not yet been heard. There was no one present to speak in favor of or in opposition to this application. Hearing none, Commissioner Teague noted the Board will then accept the resolution as presented.

Motion carried 3-0, becoming Resolution #2013BCC33.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant

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

s/Laura Teague
Laura Teague, Chairman

s/Brian McCracken
Brian McCracken, Commissioner

s/James Zwetzig
James Zwetzig, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

**MORGAN COUNTY BOARD OF HUMAN SERVICES
FINANCIAL MEETING MINUTES
December 9, 2013**

Present: Chairman Pro-Tem, Commissioner Brian McCracken, Commissioner Jim Zwetzig, Director Steve Romero, Finance Director Michelle Covelli, Accounting Manager Susan Watkins, Accounting Specialist Anita Cornwell, and Accounting Specialist Marylyn Riddle

Meeting called to order by Chairman Pro-Tem McCracken

ITEMS REQUIRING ACTION

The minutes of the regular monthly Board meeting of November 13, 2013 were approved upon a motion by Commissioner Zwetzig with authorization for Chair to sign. Commissioner McCracken seconded the motion.

Human Services Warrants for October 2013 were approved with authorization for Chair to sign upon a motion by Commissioner Zwetzig, with second by Commissioner McCracken.

HMS warrants	\$ 209,421.72
HMS payroll	<u>\$ 124,181.75</u>
	\$ 333,603.47

Certification of Provider, Vendor and Benefit Authorizations for October 2013 was presented.

Temporary Assistance for Needy Families (TANF)	\$ 31,386.02
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Child Care	13,535.89
Foster Care	192,016.72
Core Services	13,599.23
LEAP	0.00
Aid to Needy Disabled (AND)	8,276.14
Old Age Pension (OAP)	42,455.70
Food Assistance Benefits	<u>368,382.00</u>
Total	\$ 669,651.70

The report was approved upon a motion by Commissioner Zwetzig to approve with authorization for Chair to sign and second by Commissioner McCracken. Motion passes.

ITEMS FOR INFORMATION ONLY

Financial Reports:

- The Cash Reconciliation Report indicated a cash balance as of October 31, 2013 of \$372,278.48. This compared to the cash balance of October 31, 2012 of \$253,879.96. Discussion regarding cash balance and fund balance.
- Reviewed Monthly Balance Sheet.
- Actual Revenue to Actual Expenditures Report was submitted for review.
- The Budgeted to Actual Expenditure Reports were presented.
- The State Allocation to Actual Expenditures Reports were presented.
- The Federal Allocation Reports were presented.

There being no further business to bring before the Board of Human Services, the meeting was adjourned.

Date

Steve Romero, Director

Date

Chairman
Morgan County Board of Human Services

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman Pro Tem

s/Laura Teague
Laura Teague, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

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MORGAN COUNTY BOARD OF COMMISSIONERS January 21, 2014 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, January 21, 2014 at 9:30 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners Teague and McCracken. Also present were John Crosthwait, Planning Administrator; and Jody Meyer, Planning Assistant, and Susan Bailey, Administrative Services Manager for Morgan County.

The hearing was called to order by Chairman Pro Tem Commissioner McCracken.

NEW BUSINESS:

Amendments to the Morgan County Zoning Regulations - Morgan County Floodplain Regulations

John Crosthwait presented the following memo and recommended approval:

The Colorado Water Conservation Board adopted revised Rules and Regulations for Floodplains in Colorado effective January 14, 2011. The Rules provide higher floodplain management standards that help communities to reduce the risk to people and property caused by flooding. A three year transition period was provided and all Colorado Cities and Counties have until January 14, 2014 to adopt floodplain regulations consistent with the Rules. The failure to adopt the updated floodplain regulations consistent with the Rules, as well as updates necessary to bring local regulations into compliance with the minimum National Flood Insurance Program criteria will result in serious sanctions.

The good news is that the current Morgan County Floodplain Regulations are substantially in compliance with the Rules as adopted by the Colorado Conservation Board with the exception of some added definitions, as well as some added language of clarification in the existing paragraphs regarding Jurisdiction, Boundaries and Nonconforming Uses. Sections 4, 5, 6, 7, and 8 have also been amended with required language to bring our existing regulations into conformity with the model adopted by the Colorado Water Conservation Board in January 14, 2011.

The main compliance issue is that the Model Regulation requires all structures, including Critical Facilities to be elevated 2 feet above the Base Flood Elevation if the structure is located in the Flood Zone AE, as well as all structures in Flood Zone A, together with attendant utility and sanitary facilities. Morgan County Floodplain Regulations always have met these criteria.

Staff and the Morgan County Attorney, with the assistance of Janie Prochno, P.E. from the Colorado Water Conservation Board have drafted the Resolution that will incorporate the fairly minor changes into Morgan County's existing Floodplain Regulations.

All appropriate notices, publications and referrals have been complete.

John presented a draft of a Resolution incorporating these amendments for the Board to look at as follows:

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2014 BCC 05

A RESOLUTION AMENDING THE MORGAN COUNTY FLOODPLAIN REGULATIONS IN THE MORGAN COUNTY ZONING REGULATIONS

WHEREAS, the Colorado General Assembly has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated responsibility to local governments to adopt regulations designed to minimize flood losses;

WHEREAS, the flood hazard areas of Morgan County are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public;

WHEREAS, these flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and by structures that are inadequately elevated, flood proofed or otherwise protected from flood damage; and

WHEREAS, the Morgan County Board of County Commissioners desires to amend its current flood regulations to minimize the detrimental impact of periodic floods and to protect the health and safety of the County's residents and to protect property in the County from damage.

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

Section 1. The following existing definitions in Chapter 1 of the Morgan County Zoning Regulations are hereby amended to read as follows:

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1-375 Development: The construction or substantial improvement on land parcels of buildings or other structures for residential, institutional, commercial, industrial, agricultural, transportation, public flood control, utilities, and recreational and similar uses, in contrast to use of the land for growing crops, truck gardening, grazing farm animals, and other agricultural production pursuits. The term also applies to vacant ground which has been or is being prepared for development by such steps as installation of water and sewer lines, construction of access streets, construction of railroad spur or branch tracks, and the construction of railroad utility facilities. Also included are other activities such as mining, lot grading, filling, bridge development, and storage of equipment or materials.

1-480 Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map and the water surface elevation of the base flood.

Section 2. The "Definitions" Section of Chapter 1 of the Morgan County Zoning Regulations is hereby amended by the addition of the following definitions.

Addition: Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Base Flood Elevation: The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: Any area of a building having its floor sub-grade (below ground level) on all sides.

Conditional Letter of Map Revision (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Letter of Map Revision (LOMR): FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) – FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

The above-listed definitions shall be added to the "Definitions" Section of Chapter 1 in alphabetical order and the existing definitions (including the definitions amended in Section 1 of this Resolution above) shall be renumbered accordingly.

Section 3. Section 3-760 in Chapter 3 of the Morgan County Zoning Regulations is hereby amended by the revision of the paragraphs on Jurisdiction, Boundaries, and Nonconforming Uses to read as follows:

Jurisdiction

The jurisdiction of this section shall apply to all lands adjacent to any water course within the unincorporated area of Morgan County which could be inundated by a 100-year flood for that water course, and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F). No manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials, shall be commenced until a floodplain development permit has been obtained from the Planning Administrator for each change.

Boundaries

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled, "The Flood Insurance Study for Morgan County," dated September 29, 1989, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, is hereby adopted by reference and declared to be a part of these Regulations. The Flood Insurance Study and FIRM are on file in the Planning Department of Morgan County, 231 Ensign Street, Fort Morgan, Colorado 80701. Zones A and AE on these maps delineate the areas within which the requirement of these Regulations apply.

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Nonconforming Uses

These Regulations shall not apply to uses existing in the floodplain overlay areas prior to the passage of these Regulations, provided that if a structure is substantially damaged or improved, it must be brought into compliance with these Regulations.

Section 4. Section 3-810(H) in Chapter 3 of the Morgan County Zoning Regulations is hereby amended to read as follows:

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-half foot (1/2') at any point.

Section 5. Section 3-815 in Chapter 3 of the Morgan County Zoning Regulations is hereby amended to read as follows:

All mobile homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a mobile home park or subdivision, (ii) in a new mobile home park or subdivision, (iii) in an expansion to an existing mobile home park or subdivision, or (iv) in an existing mobile home park or subdivision on which mobile home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the mobile home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All mobile homes placed or substantially improved on sites in an existing mobile home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- (a) The lowest floor of the mobile home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- (b) The mobile home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Section 6. Section 3-820(C)(6) in Chapter 3 of the Morgan County Zoning Regulations is hereby amended to read as follows:

If it will have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement, be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 7. Section 3-820(D) in Chapter 3 of the Morgan County Zoning Regulations is hereby amended to read as follows:

New construction and substantial improvement of any nonresidential structure, including critical facilities, shall either have the lowest floor, including basement, elevated two feet (2') above the base flood elevation in Flood Zone AE, or two feet (2') above the highest adjacent grade in Flood Zone A or, together with attendant utility and sanitary facilities shall:

- (1) Be flood-proofed so that two feet (2') the base flood elevation the structure is water tight with walls impermeable to the passage of water.
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Morgan County Planning Administrator as set forth in Section 3-780.

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Section 8. A new Section 3-821 in Chapter 3 of the Morgan County Zoning Regulations is hereby added to read as follows:

3-821 Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

1. Residential Construction

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

2. Nonresidential Construction

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

John Crosthwait also told the Board that the Colorado Water Conservancy Board will not accept any grant applications until these amendments have been adopted.

There was no one present to speak in favor of or in opposition to this amendment.

It was moved by Commissioner Teague and seconded by Commissioner McCracken to approve Resolution #2014 BCC 05 regarding the above proposed amendments to the Morgan County Floodplain Regulations, which are currently set forth in Sections 3-740 through 3-820 of the Morgan County Zoning Regulations as presented by the Planning Administrator. Motion carried 2-0.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken

Brian McCracken, Chairman Pro Tem

s/Laura Teague

Laura Teague, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire

Connie Ingmire, Clerk to the Board

COMMISSIONERS PROCEEDINGS 11

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

James Zwetzig, Chairman

Brian McCracken, Commissioner

Laura Teague, Commissioner

(SEAL)

ATTEST:

Connie Ingmire, Clerk to the Board