

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

### Minutes of Meeting

November 1, 2016

The Board of Morgan County Commissioners met on November 1, 2016 at 9:00 a.m. with Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Chair Laura Teague called the meeting to order and asked Undersheriff Dave Martin, to lead the meeting in the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Meeting Minutes dated October 18, 2016
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 200, Del-Mar Septic Service, pump & service port a potty units, Term of Contract October 14, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 201, AFD Pavement Marking LLC, paint striping on paved county roads, Term of Contract October 13, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 202, Centennial Mental Health Center, Inc, Term of Contract September 1, 2016 through June 30, 2017
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 203, American Environmental Consulting, LLC, Term of Contract January 1, 2017 through December 31, 2017
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 204, Pro Pum LLC Concrete Pumping, pumping concrete on bridge deck, Term of Contract October 25, 2016 until completed
- Ratify Chair Laura Teague's signature on Amendment to Commercial Card Agreement with Bank of the West dated on October 17, 2016
- Ratify Chair Laura Teague's signature on the application of credit for Town of Log Lane Village for the Morgan County Landfill dated on October 18, 2016
- Ratify Chair Laura Teague's signature on the Certification of Local Government approval for Nonprofit Organizations receiving ESG funds from state sub recipients of S.H.A.R.E dated on October 20, 2016
- Ratify Chair Laura Teague's signature on the letter authorizing Ashley Hays to be proxy on the Morgan County Interagency Oversight Group (IOG) dated October 24, 2016
- Ratify the Board of County Commissioners approval of waiver of fairgrounds fees for District 14 FFA Leadership Conference dated on October 17, 2016

Commissioner McCracken made a motion to approve all items on the Consent Agenda as presented. Commissioner Zwetzig seconded the motion and the motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval – RIGHT OF WAY PERMIT - 2016 PMT 37 – Morgan County Quality Water District**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2016 PMT 37, with Morgan County Quality Water District. Mr. Goodman stated this Right of Way is to bore under County Road 4 the permit is for two separate bores. The first bore being 5 feet deep under County Road 4 approximately 1500 feet south of Highway 34 on County Road 4 and the second bore being 5 feet deep under County Road 4 approximately 1570 feet south of Highway 34 on County Road 4. This right of way permit request is for the purpose of moving the meter vault to be located near the customers' property line and in line with the existing Quality Water meter pits. He stated the fees are attached in the amount of \$250.00 and the location has been inspected.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2016 PMT 37 with Morgan County Quality Water District as outlined on the permit and authorized the Chair to sign. Commissioner McCracken seconded the motion and motion carried 3-0.

#### **Consideration of Approval – INTERGOVERNMENTAL AGREEMENT – Morgan, Washington, Logan and Sedgwick Counties regarding the Disaster Recovery Resiliency Planning Grant**

Chair Teague presented to the Board an Intergovernmental Agreement between Morgan, Washington, Logan and Sedgwick Counties regarding the Disaster Recovery Resiliency Planning Grant. Chair Teague stated this is an IOG between the four counties so all are able to conduct business and share the work for a river shed study grant, under the 2013 FEMA Grant which will hopefully help projects to mitigate future flooding events in the County. Morgan County will be the fiscal agent of this grant. Chair Teague noted there were eleven potential applicants in this RFP process and the State was pleased with the proposal submitted in which this IOG is reflective of.

Commissioner McCracken made the motion to approve the Intergovernmental Agreement between Morgan, Washington, Logan and Sedgwick Counties regarding the Disaster Recovery Resiliency Planning Grant as written and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

### COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

A motion was made by Commissioner McCracken to table the Morgan County Treasurer's Report for Third Quarter until the meeting scheduled for November 15, 2016. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Commissioners reviewed the calendar dated October 28, 2016, through November 8, 2016 with no changes.

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Morgan County Clerk and Recorder Susan Bailey provided an update regarding the 2016 General Election indicating the location of the Voter Service Polling Centers as well as informing citizens that the deadline has now passed for a voter to receive their ballot by mail and explained the process that is necessary for a voter to be issued a ballot through Election Day. She stated that there have been 5,297 ballots returned out of the approximate 14,127 ballots that have been issued as of this date.

## UNFINISHED BUSINESS

There was no unfinished business.

## LIQUOR LICENSES

At this time, the Board of County Commissioners convened as the Morgan County Liquor License Authority in the matters of:

**Retail Liquor or 3.2 Beer License Renewal Application– Tavern (County)**  
**Licensee: Clavis Club of Morgan County, Inc. dba Clavis Club of Morgan County, Inc.**  
**Operating Manager: Brenda Garfio**

Morgan County Clerk and Recorder Susan Bailey presented to the Board a liquor license renewal application for a Tavern License submitted by Brenda Garfio for Clavis Club of Morgan County, Inc. doing business as Clavis Club of Morgan County, Inc. Ms. Bailey stated that she has received the necessary documents and all fees have been submitted. Ms. Bailey also indicated that Ms. Garfio has submitted an application for a public dance hall license for the Morgan County Clavis Club and indicated all the necessary fees have been submitted as well. Ms. Bailey asked Sheriff Crone for his report. At this time, Sheriff Crone indicated he had nothing to report.

Chair Teague opened the matter for public comment at which time no comment followed.

A motion was made by Commissioner Zwetzig to approve the liquor license renewal of a Tavern License for Brenda Garfio for Clavis Club of Morgan County, Inc. doing business as Clavis Club of Morgan County, Inc, noting that all fees are attached, noting the Sheriff reported no issues and authorized the Chair to sign. Commissioner McCracken seconded the motion and motion carried 3-0.

At this time, Chair Teague noted the application submitted for a dance hall license at which time a motion was made by Commissioner McCracken to approve the license for a public dance hall for Clavis Club of Morgan County, operating manager being Brenda Garfio and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

## CITIZEN'S COMMENT

There was no citizen's comment.

At this time, the Board stood in recess for the public hearing scheduled for 9:30.

## PUBLIC HEARING

Chair Teague opened the public hearing at 9:30 a.m. and asked Finance Director Michelle Covelli to present the 2017 Proposed Preliminary Budget. Ms. Covelli stated the departments have submitted their individual departmental budgets and all were submitted to the Board by the deadline of October 15, 2016. Ms. Covelli stated that there are still several items under discussion with the Board of County Commissioners so this proposed budget is still not final numbers.

Ms. Covelli stated the total preliminary budget for 2017 is \$41,026,905.00. At this time, she read aloud each fund's proposed budget for 2017 indicating the General Fund as \$13,434,673.00; Road and Bridge Fund \$10,328,700.00; Social Services Fund \$5,179,233.00; 911 Emergency Telephone Fund \$814,000.00; Lodging Tourism Tax Fund \$363,147.00; Conservation Trust Fund \$480,000.00; Confiscation Seizure Fund \$10,000.00; Jail Cap Improvement Fund \$100,000.00; Ambulance Service Fund \$1,648,132.00; Solid Waste Management Fund \$2,579,239.00; and Central Services Fund \$6,089,781.00 for a grand total of \$41,026,905.00. She also noted there is approximately \$10.5 million in capital outlay projects for 2017 which is included in this proposed budget.

At this time Chair Teague opened the matter for public comment at which time no comment followed.

Ms. Covelli stated the County is required to adopt the final budget by December 15, 2016 and the Commissioners have until then to make a final decision as to those items such as salaries and other requested budgeted items.

**Application for a two lot minor subdivision located in the E1/2E1/2 of the NE1/4 of Section 13, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, the subject property is also known as 29874 County Road Q, Brush, Colorado 80723**

The hearing was called to order by Chair Teague at 9:33 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Also present were Jody Meyer, Planning and Zoning Administrative Assistant and Ron Dick, applicant.

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**APPLICANT: Ron Dick**

**LANDOWNERS: Ron Dick**

Chair Teague asked Ms. Jody Meyer, who is presenting today due to the retirement of Planning Administrator John Crosthwait, to present the file and invited the applicants to the front. Chair Teague read aloud the application noting the applicants have submitted an Application for a two lot minor subdivision located in the E1/2E1/2 of the NE1/4 of Section 13, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, the subject property is also known as 29874 County Road Q, Brush, Colorado 80723.

Ms. Jody Meyer presented the file stating this is an Application for a two lot minor subdivision located in the E1/2E1/2 of the NE1/4 of Section 13, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, the subject property is also known as 29874 County Road Q, Brush, Colorado 80723.

Ms. Meyer read aloud the file stating the landowner owns the parcel, and presently owns the home and improvements located on the proposed Lot 2. The applicant desires to split the 38.73 acre parcel into two lots; Lot 1 containing 17.58 acres with the house and outbuilding. Lot 2 is presently vacant rangeland and will be 21.15 acres. All utilities are present on Lot 1, including Morgan County Quality Water District Tap #2308, and an existing onsite waste water disposal system. Lot 1 contains 17.58 acres and will be served by a purchased Morgan County Quality Water Tap# 2909, and a will serve letter from the Northeast Colorado Health Department for an onsite waste water disposal system. Access to Lot 1 has been approved by the Morgan County Road and Bridge Department, and is located on the East side of the lot. Access to Lot 2 will be located on the West side of Lot 1, and will have a deeded 1,599.62 foot driveway. She stated the driveway has been approved by the Morgan County Road and Bridge Department. The landowner wishes to sell Lot 2 with his existing personal residence and build a new home for himself on Lot 1. Covenants are included in the file. Ms. Meyer further stated that soils are listed as not limited as type of soil, however areas a limited to building sites as being limited as being very steep.

She indicated the parcel is located within the Brush Rural Fire District, and not located within the floodplain. All appropriate notices, posing and publication requirements have been met. Property is zoned "A" Agriculture. Taxes are paid and at this time recommended approval.

Ms. Meyer stated there was no public comment made at the Planning Commission Hearing and asked Mr. Dick to present indicating Mr. Dick has provided a new map which the Board does have in their file today. She also stated there are amendments to the covenants which have been provided in detail to the Board as well.

At this time Ron Dick, the applicant, stated his address as 29874 County Road Q, Brush, Colorado 80723. Ron Dick stated the one change is the property, east/west boundary line in the middle of the property being moved to the north 370 feet. The driveway leading into lot 2 was widened just a bit as there was concern about the narrow driveway so that has been adjusted. He stated this changed the acres to Lot 1 to 15.18 and Lot 2 to 23.14. Chair Teague asked if the quality water tap has been purchased with Mr. Dick stating it has been.

Commissioner Zwetzig asked about the overhead power line going down the center of the road, with Mr. Dick stating the line with the "X's" is actually a fence line, with when the survey was completed, the power line leading into Lot 2 is right on the fence line. Commissioner Zwetzig asked what the approximate width is, with Mr. Dick stating on the north end being about 15 to 20 feet and the west end cannot be changed as it has had an existing fence on it for years. Chair Teague asked if the 18 feet driveway is from the property line or the fence line with Mr. Dick stating from the fence line and when calculating the detailed width, it results in about 38 feet. He indicated the fence line will not be moved and this information will be reflected in the deed.

Commissioner Zwetzig asked if road improvements will be made from County Road Q into Lot 2, with Mr. Dick stating they are sufficient. Commissioner Zwetzig stated he appreciates the deeded access much better than an easement. Mr. Dick stated he did this because there is a possibility he may keep the house, and it is much better to go this route than having issues at a later date with Commissioner Zwetzig in agreement.

Chair Teague opened the matter for public comment in which there was no public comment.

At this time, Chair Teague moved to discussion and decision with Commissioner Zwetzig asking to review the map being provided at which time Ms. Meyer provided the detailed survey map. Commissioner Zwetzig wanted to be sure the comment is made on the survey that this deeded easement would not ever be accepted by County as a public road and that it is stated on the map.

A motion was then made by Commissioner Zwetzig to authorize the preparation of a resolution to approve the application being presented today, for a two lot minor subdivision located in the E1/2E1/2 of the NE1/4 of Section 13, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, the subject property is also known as 29874 County Road Q, Brush, Colorado 80723 and authorized the Chair's signature on the plat. Commissioner McCracken seconded the motion and motion carried 3-0.

Further discussion followed regarding the Road and Bridge Department approving a driveway access with Mr. Dick stating he has met with personnel from the Road and Bridge Department and they have indicated that they are not concerned about where this driveway is placed. Commissioner Zwetzig stated he would like to clear the process up with the Road and Bridge Department but indicated this is an internal discussion as he feels this driveway should be defined in the mapping.

# 4 COMMISSIONERS PROCEEDINGS

**Application for a Special Use Permit to place a 70 foot (70') tall mono-pole free standing Commercial Mobile Radio Systems ("CMRS") tower located in Lot 56, Munn's Addition to the City of Brush, Colorado, also known as 310 Dessa Street, Brush, Colorado 80723**

**APPLICANT: Northeast Colorado Cellular Inc. d/b/a VIAERO**

**LANDOWNERS: Janzen, LLC**

Chair Teague asked Morgan County Planning and Zoning Administrative Jody Meyer to present the file and invited the applicants to the front. Chair Teague read aloud the application noting the applicants have submitted an Application for a Special Use Permit to place a 70 foot (70') tall mono-pole free standing Commercial Mobile Radio Systems ("CMRS") tower located in Lot 56, Munn's Addition to the City of Brush, Colorado, also known as 310 Dessa Street, Brush, Colorado 80723.

Ms. Meyer presented the file stating this is an Application for a Special Use Permit to place a 70 foot (70') tall mono-pole free standing Commercial Mobile Radio Systems ("CMRS") tower located in Lot 56, Munn's Addition to the City of Brush, Colorado, also known as 310 Dessa Street, Brush, Colorado 80723.

Ms. Meyer stated the applicant has received a Variance to Section 4-720(C) of the Morgan County Zoning Regulations from the Morgan County Board of Adjustment on September 19, 2016. Resolution BOA 2016 02 allowed the tower to be placed 183 feet from an existing residence. The Zoning Regulations require that any CMRS tower to be at least 250 feet from an existing residence. She indicated that VIAERO Wireless desires to place the tower in this strategic location so provide essential high quality Broadband service to this portion of Morgan County. The applicant states that this tower will provide 4G wireless Broadband voice and data service. The unmanned site will be secured by a 30' X 30' fence 6' in height. VIAERO wireless has secured an Option for a Permanent Easement with the property owner (Janzen, LLC). The tower will be designed to meet standards greater than Federal, State, County, and City minimum standards, as stated by the applicant. The unmanned site will not require water or sanitation services, only electrical which will be provided by Excel Energy. The Tower will comply with all Federal Communications Commission guidelines and standards and a small unlit sign will be attached to the fence to identify the owner.

Ms. Meyer stated the proposed site will be situated on a 1,400 square foot site, located on the parent parcel of 14,112 square feet. The parcel is zoned "C" Commercial. Parcel is located within the floodplain. She indicated that all appropriate notices and publication requirements have been met. Taxes are current. Access is from a driveway located on Dessa Street, and has been approved by the Morgan County Road and Bridge Department and at this time she recommended approval of the Special Use Application.

Ms. Meyer stated the Planning Commission did approve this application and there was public comment made at that hearing, with the Brush Schools and City of Brush having been notified given they are within the area in question. Chair Teague asked about the public comment and its substance, with Ms. Meyer stating it was related to questions about cell phone reception within the area, and the other was a landowner to the east of this area, is a commercial property owner and is looking into the future of things he may want to do and due to the closeness of this project could interfere with what he is wishing to do in the future. Commissioner Zwetzig asked if discussion had been held in regards to the drainage questions raised during the Planning Commission meeting, with Ms. Meyer stating this site is in the floodplain and asked Mr. Bailey about the drainage. Mr. Bailey spoke about the drainage issue, and the landowner adjacent being the Microtel Inn, explaining the drainage issue is due to elevation, and explained the considerations when they worked with him if they were to place this on the property there, and the other issue is the question that was made about the adjacent landowner stating that he may wish to place apartment complexes in this area.

At this time Northeast Colorado Cellular Inc. d/b/a VIAERO, the applicant, stated Rick Bailey, representing Viaero Wireless at today's hearing, with his address being 32 Cooper Court, Fort Morgan, Colorado replied to the question being raised by Chair Teague as to concerns citizens had regarding reception interference if this tower is placed in the proposed location. Mr. Bailey indicated there will be no interference with television reception and cell phone reception, explaining it should be an improvement for those utilizing Viaero services and should not interfere with any other services.

Commissioner Zwetzig asked about the pad itself that this tower would be placed, be concrete, as had been questioned during the Planning Commission hearing with Mr. Bailey indicating at this point in time the soil analysis will be completed later this week and they are adjacent to a canal in the local area, and its lower elevation than the canal by a considerable amount. He anticipates some seepage and believes they may have to place a foundation of some sort that will eliminate the drainage issues. He believes there will not be an exposed cement pad, it will be underground, if it is necessary and stated there should be no drainage issues with the adjacent landowners; he is only concerned about seepage from the canal.

Chair Teague opened the matter for public comment in which there was no public comment.

At this time, Chair Teague moved to discussion and decision with no further questions or comments.

A motion was then made by Commissioner McCracken to authorize the preparation of a resolution to approve a Special Use Permit to place a 70 foot (70') tall mono-pole free standing Commercial Mobile Radio Systems ("CMRS") tower located in Lot 56, Munn's Addition to the City of Brush, Colorado, also known as 310 Dessa Street, Brush, Colorado 80723, authorizing Resolution 2016 BCC 33. Commissioner Zwetzig seconded the motion and asked that the record reflect that the City of Brush and the School District in Brush were both notified and

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provided no comment in favor or against this application as they are both adjacent landowners. At this time, the motion carried 3-0.

Discussion followed with Mr. Bailey stating this tower will provide different bands to all customers and this allows them the opportunity to take that spectrum and multiply it three times over for the City of Brush in providing data opportunities to citizens.

Being no further business, the meeting was adjourned at 10:02 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

(Minutes ratified November 15, 2016)

## THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Laura D. Teague  
Laura D. Teague, Chair

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey  
Susan L. Bailey