

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF MORGAN COUNTY COMMISSIONERS

### Minutes of Meeting

December 2, 2014

The Board of Morgan County Commissioners met on Tuesday, December 2, 2014 at 9:00 a.m. with Chairman Jim Zwetzig and Commissioner Brian McCracken in attendance. Commissioner Teague was absent. Chairman Zwetzig called the meeting to order with Morgan County Undersheriff Dave Martin leading the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

Consideration of Approval of the Board of County Commissioners Meeting Minutes dated November 25, 2014  
Ratify Commissioner Laura Teague's signature for Storm Water Inspection Form dated November 21, 2014  
Ratify the Board of County Commissioners approval of the Request for Waiver of fees to East Morgan County Library District  
Ratify the Board of County Commissioners approval of the Request for Waiver of fees to Morgan County 4-H Air Rifle

Commissioner McCracken made a motion to approve items one through four on the Consent Agenda. Chairman Zwetzig seconded the motion. Motion carried 2-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

There were no general business and administrative items.

### COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated November 27, 2014 through December 9, 2014 with no changes.

### LIQUOR LICENSE

#### **MORGAN COUNTY LOCAL LIQUOR LICENSING AUTHORITY IN THE MATTER OF A LIQUOR STORE LICENSE RENEWAL APPLICATION-THIRSTY TURTLE LIQUORS, LLC**

Public Hearing opened at 9:03 a.m.

Morgan County Clerk and Recorder Connie Ingmire presented to the Board for approval the Liquor Store License Renewal Application for Thirsty Turtle Liquors, LLC located at 19527 Hwy. 34, Fort Morgan, CO. Ingmire noted applicants Chris and Paula Bledsoe had previously applied for a Liquor Store License and it had been approved, however, the applicants have decided to build a new facility near the previously licensed facility. Ingmire reported all appropriate documents were submitted and fees were attached. Morgan County Undersheriff Dave Martin had nothing negative to report as there is no facility to date. There was no public comment. Public Hearing closed at 9:05 a.m. Commissioner McCracken made a motion to approve the Local Liquor Licensing Authority in the matter of a Liquor Store License Renewal Application for Chris and Paula Bledsoe doing business as Thirsty Turtle, LLC noting the fees are attached and authorize the Chairman to sign. Chairman Zwetzig seconded the motion. Motion carried 2-0.

### UNFINISHED BUSINESS

There was no unfinished business.

### CITIZEN'S COMMENT PERIOD

Morgan County Undersheriff Dave Martin wanted the Board to recognize the retirement of Gary Wilson for his thirty years of employment at the Justice Center with a reception today from 3:00 p.m. to 5:00 p.m.

We hereby adjourn and are in recess at 9:07 a.m.

Respectfully submitted,

Dee Loose  
Deputy Clerk to the Board

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

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s/Jim Zwetzig  
Jim Zwetzig, Chairman

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s/Brian McCracken  
Brian McCracken, Commissioner

# 2 COMMISSIONERS PROCEEDINGS

(SEAL)

ATTEST:

s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

## MORGAN COUNTY BOARD OF COMMISSIONERS December 2, 2014 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, December 2, 2014 at 10:00 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners Brian McCracken and James P. Zwetzig. Also present were John Crosthwait, Planning Administrator; and Jody Meyer, Planning Assistant.

The hearing was called to order by Chairman Commissioner Zwetzig.

### NEW BUSINESS:

**APPLICANT: BENJAMIN D. BRUNNER AND JAIME R. BRUNNER**  
**LANDOWNER: SAME**

Application for Amended Minor Subdivision located in Lots 3 and 4, Grand View Estates Minor Subdivision located in the SE1/4SW1/4 of Section 15, and a portion of the E1/2NW1/4 of Section 22, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 20910 Rd 21.3, Fort Morgan, Colorado 80701.

Jaime Brunner was present to represent this file.

John Crosthwait presented the file as follows:

The applicants are requesting the Amended Minor Subdivision to increase Lot 3 from 20.43 acres to 21.77 acres, while decreasing Lot 4 from 20.43 acres to 19.11 acres. The reason for amending the Lots is because the Brunners have constructed a large metal building on Lot 3, and the septic system is on Lot 4. The Brunners are apparently living in the metal building on Lot 3 while their house is being built on Lot 3. The metal building was permitted by a zoning permit as a shop. The Brunners now want to sell Lot 4. Lot 3 is served by two Morgan County Quality Water Taps, and Lot 4 is served by Morgan County Quality Water Tap #2860.

All appropriate notices, posting and publication requirements have been met. Property is zoned "A" Agriculture. Taxes are paid; site is not in the floodplain.

I recommend approval on the condition that the applicants either relinquish the use the metal building as a second residence, or amend the existing Minor Subdivision Covenants to allow a second residence on each lot, and successfully obtain a Conditional Use Permit from Morgan County Planning and Zoning.

John Crosthwait noted that the Planning Commission heard this application and recommended approval with the condition that the applicants relinquish the use of the metal building as a second residence to comply with the covenants.

Jaime Brunner told the Commissioners they bought two lots and built a shop on Lot 3 to be used as a gym for their girls to use as a volley ball court. They installed partial living quarters (loft, bathroom & kitchenette) to live in until their home is built. Septic and water were installed; however the septic system was placed over the lot line onto Lot 4. She explained they now want to sell Lot 4, but need to adjust the lot line so the septic leach field stays on Lot 3 with the shop. Mrs. Brunner said they would not consider renting this shop as a residence.

John Crosthwait said the septic leach field will meet the setbacks from the new property line.

There was no Public comment.

John Crosthwait noted that Don Neb, who owns Lot 2 in the same subdivision, told the Planning Commission of his concern having two residences on one lot which is not allowed in the Covenants. He said he did not have a problem with this amended minor subdivision as long as it is not used for a second residence.

Commissioner Zwetzig noted that Lot 4 will now have less than 20 acres which puts this lot in a different category in our Agriculture Zone as far as what is allowed in our Regulations. He wanted to know if the buyers were aware of this change of regulation for the new size of the parcel. John Crosthwait said he informed the buyer of this.

The following resolution was presented for approval:

# COMMISSIONERS PROCEEDINGS 3

## RESOLUTION 2014 BCC 36

### A RESOLUTION AMENDING LOTS 3 AND 4, GRAND VIEW ESTATES MINOR SUBDIVISION LOCATED IN SE1/4SW1/4 SECTION 15 AND A PORTION OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6<sup>TH</sup> P.M. MORGAN COUNTY, COLORADO

**WHEREAS**, on December 2, 2014 the Board of County Commissioners of Morgan County, Colorado held a public hearing pursuant to the Morgan County Zoning and Subdivision Regulations on the application of Benjamin D. Brunner and Jaime R. Brunner as applicants and landowners for an Amended Minor Subdivision Application to Replat of Lots 3 and 4 of the Grand View Estates Minor Subdivision located in the SE1/4SW1/4 Section 15 and a portion of Section 22, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, and

**WHEREAS**, the notice of the public hearing was properly published and all other notice and posting requirements were made, and

**WHEREAS**, the Board of County Commissioners received testimony from the applicants, and

**WHEREAS**, the Board of County Commissioners received testimony from the public, and

**WHEREAS**, the Board of County Commissioners received testimony from the Planning Administrator who recommended approval of the application, and

### NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY COLORADO:

1. The application of Benjamin D. Brunner and Jaime R. Brunner for an Amended Minor Subdivision for the Replat of Lots 3 and 4 of the Grand View Estates Minor Subdivision located in the SE1/4SW1/4 of Section 15 and a portion of Section 22, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado is hereby granted.
2. The permit is in conformance with the Morgan County Comprehensive Plan, being zoned (A), Agriculture.
3. All applicable design standards have been met. The County Commissioners retain continuing jurisdiction on the issue of design standards.
4. All on and off site impacts have been satisfactorily mitigated by the terms and conditions of this permit.
5. The replat is compatible with the surrounding uses.
6. It is in the best interest of the public health, safety, and welfare to grant this application
7. There is a public need for the project.
8. All present, past and future drainage problems on the site are the responsibility of the applicants and their successors in interest and not that of Morgan County.
9. As a condition of the approval of the application, Lot 3 of the Grand View Estates Minor Subdivision shall be increased from 20.43 acres to 21.77 acres by extending the property line approximately 100 feet to the South, and Lot 4 of the Grand View Estates Minor Subdivision shall be decreased from 20.43 acres to 19.11 acres by moving the same property line separating Lots 3 and 4. The rationale for moving this property line is to allow the installed septic system to remain all on Lot 3, as presently, portions of the septic lines have been installed on Lot 4.
10. As a condition of approval of this application for Amending and Replating Lots 3 and 4 of the Grand View Minor Subdivision, the existing metal building on Lot 3 shall not be used or considered for residential purposes, or to be utilized as living purposes. This condition shall apply to the applicant or any future successor in interest.
11. The applicants are required, as a condition of this permit, to furnish any purchaser or other successor in interest to any lot in this subdivision with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96 BCC 41 on July 23, 1996, and the Receipt and Statement of Understanding of said policy. The Policy and Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property to any purchasers or other successors.
12. All information submitted by the applicants in their application is part of the approval of this subdivision and all terms, conditions, and information submitted shall be strictly adhered to.
13. The applicants shall be responsible for complying with all foregoing requirements and conditions of this permit. Noncompliance with any of the foregoing may be reason for revocation of this permit by the Board of County Commissioners after notice to the applicants or their successors in interest and hearing.

DATED this 2<sup>nd</sup> day of December, 2014

# 4 COMMISSIONERS PROCEEDINGS

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

\_\_\_\_\_  
s/Jim Zwetzig  
Jim Zwetzig, Chairman

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s/Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

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s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

**It was moved by Commissioner McCracken and seconded by Commissioner Zwetzig to approve Resolution #2014 BCC 36 for an Application for Amended Minor Subdivision for Benjamin D. Brunner and Jaime R. Brunner located in Lots 3 and 4, Grand View Estates Minor Subdivision located in the SE1/4SW1/4 of Section 15, and a portion of the E1/2NW1/4 of Section 22, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 20910 Rd 21.3, Fort Morgan, Colorado 80701. 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/Jim Zwetzig  
Jim Zwetzig, Chairman

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s/Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

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s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board