

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting March 3, 2015

The Board of Morgan County Commissioners met on Tuesday, March 3, 2015 at 9:03a.m. with Chairman Brian McCracken, Commissioner Laura Teague and Commissioner James Zwetzig in attendance. Chairman Brian McCracken called the meeting to order with Morgan County Clerk and Recorder Susan Bailey leading the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Ratify the Board of County Commissioners Approval of Meeting Minutes dated February 24, 2015
Ratify Chairman Brian McCracken's signature on 2015 CNT 20-Metta Technologies, Inc.
Ratify Chairman Brian McCracken's signature on 2015 CNT 22-Cummins Rocky Mountain
Ratify Commissioner Laura Teague's signature on the 2015 Annual NMOC Emission Calculations Report-Morgan County Landfill, dated February 20, 2015
Ratify Commissioner Laura Teague's signature on the 2015 Annual VOC/HAPs Emission Calculations Report-Construction Permit #82MR132-Morgan County Landfill, dated February 23, 2015
Ratify the Board of Commissions approval of MCA Collections Proof 02232015 to be sent to State Collections
Ratify Chairman Brian McCracken's signature for assignment of debt collection to Wakefield and Associates for Morgan County Ambulance Service client (#080196;#131099)

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

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Extension of Right of Way Permit – 2013 PMT 38 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval Right of Way Permit 2013 PMT 38, a permit between Morgan County and Morgan County Quality Water District. Mr. Goodman outlined the permit explaining Morgan County Quality Water District has requested an extension of this permit which was originally approved in 2013 for County Road W.7 to extend a water line. Mr. Goodman stated the reason for this request is due to the 2013 flood levels preventing them from installing the extended water line. Commissioner Zwetzig asked Mr. Goodman if this permit will entail a bore, with Mr. Goodman clarifying that it is asphalt and that would be the reason for indicating the bore.

Commissioner Zwetzig made a motion to approve the extension request of Right of Way Permit 2013 PMT 38 as outlined by Mr. Goodman and authorized the Chair to sign. Commissioner Teague seconded the motion. Further discussion followed clarifying the extension as being a twelve month extension. Commissioner Teague asked if Mr. Goodman believes the contractor will be able to complete the work over this time period, with Mr. Goodman stating they should be able to complete the project. Commissioner Zwetzig then amended his motion to include the extension of permit as twelve months, with Commissioner Teague seconding the amended motion, and motion carried 3-0.

Consideration of Approval – RIGHT OF WAY PERMIT – 2015 PMT 08 – Morgan County Quality Water District

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2015 PMT 08, a permit between Morgan County and Morgan County Quality Water District. Mr. Goodman stated the location of this permit being on County Road Y.5 on County Road 3, in Morgan County, explaining that Morgan County Quality Water District will be moving a number of water lines and then tying others in together explaining that this is being completed to assist Morgan County and Quality Water for future infrastructure needs. Mr. Goodman reviewed each section of the permit in detail. Mr. Goodman stated he has inspected the locations and fees have been submitted.

Commissioner Teague made a motion to approve Right of Way Permit 2015 PMT 08 as outlined by Mr. Goodman and authorized the chair to sign. Commissioner Zwetzig seconded the motion, and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 28 – Baby Bear Hugs

Morgan County Department of Human Services Interim Director Jacque Frenier presented to the Board for approval, Contract 2015 CNT 28, a contract with Baby Bear Hugs. Ms. Frenier outlined the contract explaining this contract will utilize TANF funding not to exceed \$6,250.00 for six months commencing January 1, 2015 through June 30, 2015. She explained that these contracts have typically been approved annually commencing January 1st. The State has requested these contracts term commence on July 1 through June 30, being the State of Colorado fiscal year, and questioned how the Board would prefer to handle the contractual term given the approval by the Board is for the calendar year commencing January 1. Commissioner Teague stated that she believes the budget request has been approved for the County fiscal year and the Board will not require the organization to present again in May for additional approval. Ms. Frenier stated the purpose of this contract is to provide services to parents with children between the age of newborn and three.

Commissioner Zwetzig made a motion to approve Contract 2015 CNT 28 as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Teague seconded the motion and motion carried 3-0.

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Commissioner Zwetzig asked that the record note the Accounting staff for the Department of Human Services ensure that these funds are appropriately allocated and audits are conducted to verify that those recipients who receive these services are TANF eligible.

Consideration of Approval – CONTRACT – 2015 CNT 29 – S.H.A.R.E., Inc.

Morgan County Department of Human Services Interim Director Jacque Frenier presented to the Board for approval, Contract 2015 CNT 29, a contract with S.H.A.R.E., Inc. Ms. Frenier outlined this contract as utilizing TANF funds for those eligible recipients who may be involved in domestic violence situations. She indicated the contract term is for six months, January 1, 2015 through June 30, 2015 and is not to exceed the amount of \$10,850.00.

Commissioner Teague made a motion to approve Contract 2015 CNT 29 as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion, and motion carried 3-0.

Commissioner Zwetzig again noted that the County consistently assures these funds are being utilized appropriately for those recipients eligible for TANF funded services.

Consideration of Approval – CONTRACT – 2015 CNT 30 – S.A.R.A., Inc.

Morgan County Department of Human Services Interim Director Jacque Frenier presented to the Board for approval, Contract 2015 CNT 30, a contract with S.A.R.A., Inc.. Ms. Frenier outlined this contract as utilizing TANF funds for those eligible recipients receiving services related to sexual abuse and assault. She stated this contract will cover both children and adults who may be involved in any type of assault. She stated this contract is for a term of six months, commencing January 1, 2015 through June 30, 2015 and is not to exceed \$12,500.00.

Commissioner Zwetzig made a motion to approve Contract 2015 CNT 30 as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Teague seconded the motion and motion carried 3-0.

Commissioner Zwetzig again stressed that the County is allocating the TANF funds appropriately verifying the eligibility of recipients.

Consideration of Approval – CONTRACT – 2015 CNT 31 – Morgan County Family Center

Morgan County Department of Human Services Interim Director Jacque Frenier presented to the Board for approval, Contract 2015 CNT 31, a contract with Morgan County Family Center. Ms. Frenier outlined this contract as utilizing TANF funds for those eligible recipients receiving child care, resource and referral services. The contract term is for six months, January 1, 2015 through June 30, 2015 and is not to exceed \$30,000.00.

Commissioner Teague made a motion to approve Contract 2015 CNT 31 as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Commissioner Zwetzig stressed that the County consistently ensures that these funds are being utilized appropriately for TANF eligible recipients.

Consideration of Approval – CONTRACT – 2015 CNT 32 – Morgan County Early Childhood Council

Morgan County Department of Human Services Interim Director Jacque Frenier presented to the Board for approval, Contract 2015 CNT 32, a contract with Morgan County Early Childhood Council. Ms. Frenier outlined the contract as utilizing TANF funds for those eligible recipients for quality improvement tools and services to families and providers. The term of the contract is for six months, January 1, 2015 through June 30, 2015 and not to exceed \$5000.00.

Commissioner Teague made a motion to approve Contract 2015 CNT 32 as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Commissioner Zwetzig reiterated that the County consistently ensures that these funds are being utilized appropriately for TANF eligible recipients.

Consideration of Approval – Revisions to the 2015 Morgan County Fee Schedule – Clerk and Recorder Fees

Morgan County Clerk and Recorder Susan Bailey presented to the Board for approval a revision to the 2015 Morgan County Fee Schedule to be reflected in the Clerk and Recorder Fees. Ms. Bailey explained that due to a change in wording regarding documentary fees, it has been suggested by our County Attorney that this language be more definitive. She stated the new language should be revised under the section "To Record Documents – as Documentary fee of \$0.01 per \$100 purchase on transfer documents if over \$500.00 with the exception of a deduction of any personal property disclosure that may be stated on contract of sale or closing/settlement documents (39-13-102(5)(a)). Ms. Bailey explained this clarifies what the Recording Office is currently doing when charging the documentary fee when there should be personal property disclosures.

Commissioner Zwetzig made a motion to approve this revision to the 2015 Fee Schedule as outlined by Ms. Bailey. Commissioner Teague seconded the motion and motion carried 3-0.

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COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated February 27, 2015 through March 10, 2015 with changes.

UNFINISHED BUSINESS

There was no unfinished business.

LIQUOR LICENSES

The Board of County Commissioners convened as the Morgan County Local Liquor Licensing Authority in the matter of:

Liquor License or 3.2 Beer License Renewal Application – Hotel & Restaurant – Longmeadow Game Resort and Event Center, LLC, Applicant: Heath Stencil

Morgan County Clerk and Recorder Susan Bailey presented to the Board for approval the Liquor License renewal for Longmeadow Game Resort and Event Center, LLC. Ms. Bailey stated this is a renewal of a Hotel and Restaurant with optional premises submitted by Manager Heath Stencil for Longmeadow Game Resort and Event Center, LLC. She stated that the necessary paperwork and fees have been submitted and asked Sheriff Crone to present his report.

Sheriff James Crone indicated he had nothing to report. At this time, Chairman McCracken opened the matter for public comment with no one making comment.

Commissioner Teague made a motion to approve the liquor license renewal for Longmeadow Game Resort and Event Center, LLC as presented and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Liquor License or 3.2 Beer License Renewal Application – 3.2% Beer On/Off Premises – The Last Stand, Applicant: Roger P. Schiel

Morgan County Clerk and Recorder Susan Bailey presented to the Board for approval the Liquor License renewal for The Last Stand. Ms. Bailey outlined the renewal as being for a 3.2% beer on and off premises liquor license. She stated that all documents and fees have been submitted appropriately and asked Sheriff Crone to present his report.

Sheriff James Crone indicated he had nothing to report. At this time, Chairman McCracken opened the matter for public comment with no one making comment.

Commissioner Zwetzig asked that it be noted that Mr. John Hamlin is also indicated on the renewal application as a licensee.

Commissioner Zwetzig made a motion to approve the liquor license renewal for The Last Stand as presented and authorized the Chair to sign. Commissioner Teague seconded the motion and motion carried 3-0.

CITIZEN'S COMMENT PERIOD

There were no citizen comments.

We hereby adjourn and are in recess at 9:25a.m.

Respectfully Submitted,

Susan L. Bailey
Clerk to the Board

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Brian D. McCracken
Brian K. McCracken, Chairman

s/ Laura D. Teague
Laura D. Teague, Commissioner

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

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(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey, Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS March 3, 2015 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, March 3, 2015 at 9:30 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners Brian McCracken, Laura Teague 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 McCracken.

NEW BUSINESS:

APPLICANT: SETH WOLFF

LANDOWNERS: SETH WOLFF AND MARCY WOLFF

Application for a Conditional Use Permit located in Lot 4A, Brunner Replat of Lots 3 and 4, Grandview 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 6th P.M., Morgan County, Colorado.

Seth and Marcy Wolff were present to represent this application.

John Crosthwait presented the file as follows:

The applicants plan to build a house on their property for their family, which is an allowed use of the property they own in Grand View Estates Minor Subdivision; in addition to the house, they want to build a metal shop with living quarters in it for their parents. This use was prohibited in the original Restrictive Covenants recorded on June 6, 2006. This use also requires a Conditional Use Permit to place a second residence on any parcel under 20 acres. The original Residential Covenants are proposed to be amended to allow this use on Lot 4A. These Amended Covenants have been signed by all of the four landowners in the Grandview Estates Subdivision.

All appropriate notices, publications and postings have been met. Taxes are current. Property is Zoned "A" Agriculture.

For the record John Crosthwait told the Board of County Commissioners three landowners were not notified by mail of this hearing. The required sign posting was completed by the applicant and Notice was placed in the paper. Those landowners who were not notified were: Rebecca L. Pennington, Sean Michael Keller and Stashia Lee Keller and Michael S. Zwetzig and Amanda S. Zwetzig. John Crosthwait noted that these three landowners were contacted by phone and or in person on March 2, 2015. He explained this was an oversight. Sean Keller had no problem with the application, he saw the sign regarding the hearing and if he was not present at the hearing, he was not objecting to the same. He was contacted by John Crosthwait and Jody Meyer, Planning Assistant. Jody Meyer called Mike Zwetzig who informed him he could come into the office and review the file or attend the hearing on March 3, 2015. Apologies were made for this oversight. Mike Zwetzig said he wasn't happy about a second residence but he would not be attending the hearing. He also stated that he saw the posted sign. Rebecca Pennington came into the office to review the file with John Crosthwait and had said she had seen the posted sign. Rebecca Pennington is in attendance. John Crosthwait explained that he received a telephone call from the County's attorney, Jeff Parker. He said mistakes happen and because these three landowners were contacted as stated above, then there was no problem proceeding with this hearing; due process has been afforded to these three landowners. John once again apologized for this oversight.

There was no one present to speak in favor of or in opposition to this application. To that end Commissioner Teague was concerned about giving landowners only 12 hours notice and she wanted to hear from Rebecca Pennington since she was in attendance.

Rebecca Pennington, 21355 Co Rd U.5, Fort Morgan, Colorado, stated that she knew about the hearing from the posted sign on the property. She asked about the 10- year restriction on the re-subdivision rule and John Crosthwait informed her that rule was taken out of the subdivision regulations; it has been lifted. Rebecca said overall she is okay with the application. She had questions regarding her own subdivision, placing a second residence and the process she would need to go through. John Crosthwait stated she would have to go through a similar process; difference size lots have different regulations. Commissioner Zwetzig also mentioned there could be a difference in zoning of the parcels.

Commissioner Zwetzig wanted to clarify this application was not the result of a hardship; however they could place conditions on this permit. Commissioner Teague said realistically a second residence will probably never be abandoned and it is difficult to enforce. Commissioner Zwetzig said it is costly to enforce something like this. John Crosthwait noted this Conditional Use and the Covenants are specific for Lot 4A only. John Crosthwait noted the Resolution on Lot 3A states the shop cannot be used as a second residence. He also noted that the

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amended Covenants for this Conditional Use does not address what happens when the party leaves the second residence.

Commissioner Zwetzig wanted to know the distance from the house to the south boundary line as it does not show on their site plan. Seth Wolff said it was more than 300 ft. He said there would be 100 ft. to 150 ft. between the house and shop/second residence. Seth Wolff also stated they were planning on placing two septic on the parcel.

Commissioner Zwetzig questioned the applicants on the restriction of use for the second residence. Seth Wolff said it would not be used as a rental; just used for family members only. Commissioner Zwetzig stated that Covenants are not enforced by the County.

There was discussion regarding the sale of this parcel to a third person and possible scenarios that could take place. Who would enforce, the HOA or County? Commissioner Zwetzig suggested that in the event the parents move or pass away, that only family members could use the residence. Family member is defined in our regulations.

It was moved by Commissioner Zwetzig and seconded by Commissioner Teague to approve Resolution #2015BCC06 for an Application for a Conditional Use Permit from Seth and Marcy Wolff to build a second residence on their property for their family, located in Lot 4A, Brunner Replat of Lots 3 and 4, Grandview 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 6th P.M., Morgan County, Colorado, conditioned on the amended verbiage to show there was public comment at this hearing and that the applicant/ landowners are restricted to immediate family residential use of the structure as stated and stipulated by the applicant in their narrative of 12/12/2014. Motion carried 3-0.

The following Resolution #2015 BCC06 was presented to the Board with corrections as stated above:

RESOLUTION 2015 BCC 06

A RESOLUTION GRANTING A CONDITIONAL USE TO PLACE A SECOND RESIDENCE ON LOT 4A, BRUNNER REPLAT OF LOTS 3 AND 4, GRAND VIEW ESTATES MINOR SUBDIVISION LOCATED IN THE SE1/4NW1/4 OF SECTION 15 AND A PORTION OF SECTION OF THE E1/2NW1/4 OF SECTION 22 TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, on March 3, 2015 the Board of County Commissioners of Morgan County, Colorado held a public hearing pursuant to the Morgan County Zoning Regulations on the application of Seth Wolff as applicant and Seth Wolff and Marcy Wolff as landowners for a Conditional use permit to place a second residence on a parcel located on Lot 4A, Brunner Replat of Lots 3 and 4, Grand View Estates Minor Subdivision located in the SE1/4NW1/4 of Section 15 and a portion of the E1/2NW1/4 of Section 22 Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, and

WHEREAS, notice of the public hearing was properly published and the subject property was properly posted, and

WHEREAS, the Board of County Commissioners received testimony and evidence from the applicant, and

WHEREAS, there was public comment regarding this application, and

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

WHEREAS, the Morgan County Planning Commission recommended approval of this application.

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

1. APPROVAL:

The application of Seth Wolff as applicant and Seth Wolff and Marcy Wolff as landowners for a Conditional Use Permit to place a second residence on a 19.11 acre parcel of land located on Lot 4A, Brunner Replat of 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 6th P.M., Morgan County, Colorado is hereby granted.

2. FINDINGS OF FACT:

- a. The application documents are complete and present a clear picture of how the use is to be arranged on the site.

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- b. The applicant has secured approval and landowner signatures to amend the covenants of the Grand View Estates Minor Subdivision to allow a second residence on only Lot 4A.
- c. All on and off-site impacts have been satisfactorily mitigated. Required mitigation measures shall include, but are not limited to the following:
 - i. The applicant is required, as a condition of this permit, to furnish any purchaser or other successor in interest in this property with a copy of the Morgan county Right to Farm Policy as adopted by Resolution 96BCC 41 on July 23, 1996, and the Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchasers or other successors.
 - ii. Any past, existing, or future drainage problems on this property are the responsibility of the landowner and not that of Morgan County.
- d. The conditional use proposed has been made compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography.
- e. The conditional use proposed poses no or minimal risk to the public health, safety and welfare.
- f. The conditional use proposed is not planned to be developed on a nonconforming parcel of land as this 19.11 acre parcel is located in the Agriculture Zone. Morgan County Zoning Regulations 3-175 Parcels 20 Acres or Smaller (J) allow for "Additional living units on permanent and engineered foundations not to exceed one (1) per parcel.
- g. The applicant and landowners are restricted to immediate family residential use of the structure as stated and stipulated by the applicant in their narrative of 12/12/2014. This stipulation shall be recorded as addendum to the deed to Lot 4A of the Brunner Replat of Lots 3 and 4, Grand View Estates Minor Subdivision.

3. ADDITIONAL PROVISIONS:

- a. The Board of County Commissioners retains continuing jurisdiction on this permit to address future possible problems with this site and to insure compliance with the conditions of this permit and the Morgan County Zoning Regulations. The County also retains jurisdiction and the right and authority of county personnel to inspect the site at any reasonable time.
- b. The applicant is responsible for complying with all the foregoing requirements, conditions and design standards. Noncompliance with any of the foregoing requirements, conditions or design standards may be reason for revocation of this permit by the Board of County Commissioners after notice to the applicant or his successors in interest and public hearing.

Dated this 3rd day of March, 2015

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Brian D. McCracken
Brian K. McCracken, Chairman

s/ Laura D. Teague
Laura D. Teague, Commissioner

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey, Clerk to the Board

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant

