

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF MORGAN COUNTY COMMISSIONERS

### Minutes of Meeting

May 6, 2014

The Board of Morgan County Commissioners met on Tuesday, May 6, 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 Building and Maintenance Supervisor Dave Cornwell leading the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

Consideration of Approval of the Board of County Commissioners Meeting Minutes dated April 29, 2014  
Ratify the Revised Board of County Commissioners Agenda for April 29, 2014 correcting Resolution 2014 BCC 14, actual assigned number is 2014 BCC 15  
Ratify the Board of County Commissioners Work Session Minutes for the month of April 2014  
Ratify the Board of County Commissioners signatures on the letter addressed to Brush City Council requesting a waiver of fees associated with construction of the Morgan County Horse Shelter project, letter dated April 29, 2014  
Ratify Chairman James Zwetzig's signature on the EIAF Reimbursement & Report Form for the Project Morgan County – SW Emergency Services Tower/Radio Upgrade, quarterly expenditure summary, dated 4/30/14  
Ratify Chairman James Zwetzig's signature for assignment of debt collection to Wakefield and Associates for Morgan County Ambulance Service Clients (#130740; #131593; #130978B)

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

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **CONSIDERATION OF APPROVAL-BID AWARD-BRUSH FAIRGROUNDS HORSE COVER/CANOPY**

Morgan County Building and Maintenance Supervisor Dave Cornwell presented to the Board for approval the Brush Fairgrounds Horse Cover/Canopy Bid Award noting five bids were received. The first bid was from Keefe Construction Services, Wiggins, CO, for a Butler building in the amount of \$35,408.00 which included an additional option for a diagonal center bay bracing in the amount of \$1,261.00 with a three year warranty. The second bid was from Clark Enterprises Construction Company, Eaton, CO, for a Behlen building in the amount of \$35,931.00 after a deduction of \$1,064.00 if the building fees were waived and they met the two year warranty required. The third bid was from Rockwell Construction, Wray, CO, for a Topline building in the amount of \$34,818.00 with a one year warranty which did not meet the two year warranty specification. The fourth bid was from McCauley Constructors, Windsor, CO, for a Chief building in the amount of \$41,300.00 with a five year warranty. The fifth bid was from Sonebridge Builders, Arvada, CO, for a Ceco building in the amount of \$56,334.00 with a one year warranty which did not qualify. Cornwell's recommendation was Keefe Construction Services in the amount of \$35,408.00. Commissioner McCracken made a motion to approve the Brush Fairgrounds Horse Cover/Canopy Bid Award to Keefe Construction Services in the total amount of \$35,408.00 as outlined by Cornwell and authorize the Morgan County Administrative Services Manager Susan Bailey to prepare a contract upon a signed agreement. Chairman Zwetzig seconded the motion. Motion carried 2-0.

### COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated May 2, 2014 through May 13, 2014 with changes.

### UNFINISHED BUSINESS

There was no unfinished business.

#### **LIQUOR LICENSE RENEWAL APPLICATION FOR A 3.2 PERCENT BEER ON/OFF PREMISES LICENSE FOR SHORELINE INVESTMENTS INC DBA SHORELINE MARINA**

Public Hearing opened at 9:07 a.m.

Morgan County Clerk and Recorder Connie Ingmire presented to the Board for approval a 3.2% Beer On/Off Premises Renewal Application for Shoreline Marina located at 26363 County Road 3, Orchard, CO noting the license expires July 10, 2014. Ingmire noted the fees were attached and all appropriate documents submitted. Morgan County Sheriff Jim Crone had nothing negative to report. There was no public comment. Public Hearing closed at 9:08 a.m. Commissioner McCracken made a motion to approve the 3.2% Beer On/Off Premises Renewal Application for Shoreline Marina and authorize the Chairman to sign. Chairman Zwetzig seconded the motion. Motion carried 2-0.

### CITIZEN'S COMMENT PERIOD

Outreach Specialist Lydia Kiser from the Northeast Plains Outreach Team from Sterling, CO was present concerning flood recovery resulting from the flood in the fall of 2013 reporting there are Morgan County residents who are still dealing with clean-up and debris from the flood. Ms. Kiser reported the outreach team has toured the Orchard, Weldona, Hillrose and Snyder, CO areas posting fliers asking for volunteers to help those in need of further clean-up. Ms. Kiser noted information is available on their Facebook page at Northeast Plains Flood Recovery Outreach.

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We hereby adjourn and are in recess at 9:20 a.m.

Respectfully submitted,

Dee Loose  
Deputy Clerk to the Board

**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

**MORGAN COUNTY BOARD OF COMMISSIONERS  
May 6, 2014 MINUTES**

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, May 6, 2014 at 9:30 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, and Susan Bailey, Administrative Services Manager for Morgan County.

The hearing was called to order by Chairman Commissioner Zwetzig.

**NEW BUSINESS:**

**Applicant: Overland Ridge Development, LLC  
Landowner: Larry and Patricia Chartier**

Application for a Planned Unit Development of 11 lots located in the N1/2SE1/4 of Section 30, Township 4 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado.

Larry Chartier and Scott Chartier, Larry and Pat Chartiers' son, were present to represent the file.

John Crosthwait presented the file, recommended approval, and noted the following:

A previous Planned Unit Development of 12 lots was approved in 2002, and is now built out. There is also an approved 4 lot minor subdivision in the immediate area. Overland Ridge Planned Development No. 2 is immediately South of the prior PUD. Drainage plans, interior roads, and drainage was completed and accepted in the prior PUD. All interior roads are built, and drainage plans have been implemented.

All lots will be accessed from interior roadways. These roads are built to County specifications, and will remain private. The maintenance of these roads has been done by the developer, however it is the Chartiers' intent that upon acceptance and completion of the Overland Ridge Planned Development No.2, that the Homeowners Association will maintain the interior roads.

The Chartiers have had extensive drainage studies completed for the entire PUD, which includes the proposed 11 lots. This drainage plan has been stamped by a professional engineer.

The project is being phased into two phases; phase 1 is five lots and Phase 2 is six lots. Required infrastructure will be complete with each phase. It should be noted that the lots as indicated as 1 through 11 on the plat map shall be re-numbered to 17 through 27.

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The file also includes a developer's agreement with Morgan County Quality Water District for the purchase of water taps. It should be noted that Mr. Chartier presently owns a Quality Water Tap which will be counted as available for use in this PUD.

Northeast Colorado Health Department has issued a will serve letter for the proposed septic systems. Telephone service for land lines will be provided by Century Link, electrical service will be provided by Morgan County Rural Electric Association.

Cost estimates for buried electric lines and phone lines are included in the packet. Water lines for Phase 1 are in place. An irrevocable line of credit from Bank of Colorado of Brush, Colorado is also included in the packet.

The file also contains impact statements from Fire Department, Law Enforcement, School District, and the City of Brush.

The file contains the restrictive covenants and the Homeowners Association which reflect the same standards as the ones in place for the original Overland Ridge PUD.

All appropriate notices, posting and publication requirements have been met. Property is zoned "A" Agriculture. Taxes are current. Property is not located within the floodplain.

Scott Chartier told the Board they had a plan in place and wanted to finish it as intended.

John Crosthwait noted that he has not received comments on this application and that Chartiers met with the original HOA regarding their plans. John stopped to visit with area farmers and received positive input on the applications.

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

Commissioner McCracken asked for an explanation on the water taps. Scott Chartier said one water tap was carried over from the last Planned Development and they have a Developer's agreement with Quality Water for 4 more taps to complete phase I. They will do another Developer's Agreement with Quality Water for the second phase.

Scott Chartier noted the Covenants will be identical and the information was very well received. There will be two HOAs to begin with and later he hopes they will come together and create just one Home Owners Association. Landowners were receptive to this idea.

John Crosthwait noted this application was very complete. The lots will be renumbered for postal and 911 services.

Commissioner Zwetzig asked the Chartiers if this application process was burdensome. Scott Chartier replied that the process was understandable and realized the importance of subdivision planning.

The following Resolution #2014 BCC 16 was presented to the Board:

## **RESOLUTION 2014 BCC 16**

### **A RESOLUTION APPROVING A PLANNED DEVELOPMENT ZONE IN THE N1/2SE1/4 OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 56 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO**

**WHEREAS**, on May 6<sup>th</sup>, 2014, the Board of County Commissioners of Morgan County, Colorado held a properly noticed public hearing pursuant to the Morgan County Zoning Regulations on the application of Overland Ridge Development, LLC as applicant, and Larry L. and Patricia L. Chartier as landowners for a Planned Development Zone to create an eleven (11) lot residential subdivision in the N1/2SE1/4 of Section 30, Township 4 North, Range 56 West of the 6<sup>th</sup> P.M., known as Overland Ridge Estates No. 2 Planned Development and located West of the intersection of County Roads 25 and T.5, and

**WHEREAS**, the 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 applicants, and

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

**WHEREAS**, the Board of County Commissioners did not receive public comment on this application.

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

1. The application of Overland Ridge Development, LLC as applicant, and Larry L. and Patricia L. Chartier for a Planned Development Zone to create an eleven (11) lot residential subdivision in the N1/2SE1/4 of Section 30, Township 4 North, Range 56 West of the 6<sup>th</sup> P.M., known as Overland Ridge Estates No. 2 Planned Development is hereby granted.

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2. The Board of County Commissioners finds that the proposed project is in compliance with the Morgan County Comprehensive Plan and that the criteria of Section 3-425 of the Morgan County Zoning Regulations have been met by the application and the terms and conditions of this resolution. Specifically:
  - a. The Morgan County Comprehensive Plan is complied with in that the proposed project is compatible with existing land uses and there is access to established infrastructure. (page 41-52, Morgan County Comprehensive Plan)
  - b. The project conforms with the policies for traffic and roads in rural areas (pages 60-62, Morgan County Comprehensive Plan).
  - c. The project is consistent with existing land uses in the neighborhood.
3. The entire contents of the application and the provisions of this Resolution shall constitute the Planned Development Zone Final Plan as referred to in the Morgan County Zoning Regulations and shall be binding on the applicants and their successors and shall be the terms and conditions of this permit.
4. The covenants as submitted by the applicants are approved and binding on the applicants and their successors as a condition of this permit. Any proposed changes to the covenants must be submitted to the County for approval. Minor changes may be approved administratively by the County Planning Administrator. Major changes must be approved by the Board of County Commissioners. Determination of what is a major or minor change shall be at the sole discretion of the County Planning Administrator.
5. All uses, conditions, restrictions, design standards, and all other applications of the covenants submitted as part of the application shall be the design standards for this Planned Development Zone which may be enforced by Morgan County pursuant to the Morgan County Zoning Regulations. In areas and subjects not addressed by the covenants, Morgan County Zoning Regulations pertaining to the Estate Residential (ER) Zone shall apply to this Planned Development Zone.
6. Any past, present or future drainage problems on this site are the responsibility of the applicants and their successors and not the responsibility of Morgan County.
7. The applicants are required, as a condition of this permit, to furnish any purchaser or other successor in interest to any lot in this Planned Development 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 of Understanding of said policy. This Policy and Receipt of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchasers or other successors.
8. If, in the future, Morgan County is requested by the applicants or their successors in interest, including Overland Ridge Estates No. 2 Homeowners association to upgrade County Road 25 between County Roads T and T.5, it is the intent of the Board of County Commissioners of Morgan County that the costs of such road improvements shall be borne jointly by the County and the applicants or their successors in interest.
9. As a condition of this permit, the covenants shall be amended to include notice of this intent and to provide for the Overland Ridge Estates No. 2 Homeowners Association to have the authority to assess any required shared costs of upgrading Co Rd 25 between T and T.5 to the property owners of the Planned Development.
10. Applicable County road standards have been used in the construction of the existing interior roads.
11. The interior roadways of the Planned Development shall be maintained by the applicants and their successors, the Homeowners Association, and not by Morgan County.
12. The Board of County Commissioners retains continuing jurisdiction on this permit to address possible future problems with the site in compliance with the Final Planned Development Plan. The County also retains jurisdiction and the right and authority of County personnel to inspect the site at any reasonable time.
13. The applicants and their successors and assigns shall be responsible for complying with the Final Planned Development Plan. Noncompliance with the final Planned Development Plan may be reason for revocation of this permit and Resolution by the Board of County Commissioners after notice to the applicant or his successors and hearing.

**DATED** this 6th Day of May, 2014

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THE BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO

s/Jim Zwetzig

Jim Zwetzig, Chairman

s/Brian McCracken

Brian McCracken, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire

Connie Ingmire, Clerk to the Board

It was moved by Commissioner McCracken and seconded by Commissioner Zwetzig to approve an Application for Overland Ridge Development, LLC as applicant, and Larry L. and Patricia L. Chartier as landowners, for a Planned Unit Development of 11 lots known as Overland Ridge Estates No. 2 Planned Development located in the N1/2SE1/4 of Section 30, Township 4 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado.

Commissioner McCracken then amended his motion to include the approval of Resolution #2014BCC16 as outlined by John Crosthwait who read conditions #2 through #13 of said Resolution aloud. Under discussion John Crosthwait clarified that condition #8 in the Resolution does not talk about "paving a road", but it is specifically worded as "road improvements". Commissioner Zwetzig pointed out that if the County were to decide to upgrade Co Rd 25 between Co Rd T and Co Rd T.5, it would be at the County's expense; however if the HOA requested any road improvements, they would cost share with the County in the project. Commissioner McCracken reiterated that if the County wanted to pave the road or do other improvements to the road at their discretion, the County would pay for that expense. If the HOA requested to have Co Rd 25 paved, then the HOA would pay part of that expense.

The applicants understood this. Commissioner Zwetzig seconded the motion. 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

s/Brian McCracken

Brian McCracken, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire

Connie Ingmire, Clerk to the Board