

COMMISSIONERS PROCEEDINGS 1

BOARD OF MORGAN COUNTY COMMISSIONERS

Minutes of Meeting

June 3, 2014

The Board of Morgan County Commissioners met on Tuesday, June 3, 2014 at 9:00 a.m. with Chairman Pro Tem Brian McCracken and Commissioner Laura Teague in attendance. Chairman Zwetzig was absent. Chairman Pro Tem McCracken called the meeting to order with Morgan County Public Works Administrator Bruce Bass leading the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Consideration of Approval of the Board of County Commissioners Meeting Minutes dated May 27, 2014
Ratify Chairman James Zwetzig's signature on the Tasting Permit Application – East Platte Avenue Liquor, dated May 23, 2014
Ratify Chairman James Zwetzig's signature on the U.S. Army Corps of Engineers, Application for Department of the Army Permit, Section 404 for the Morgan County Road 9 River Restoration Project and the NRCS Cooper Bridge EWP Project, dated May 27, 2014
Ratify the Board of County Commissioners approval to waive the fees for the use of the Morgan County Fairgrounds for Longs Peak Council, Boy Scouts of America, date of event June 7, 2014
Ratify the Board of County Commissioners approval of Contract #2014 CNT 76 with Kinnon Entertainment
Ratify the Board of County Commissioners approval of Contract #2014 CNT 79 with Lamar Companies

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-BID AWARD-MOTOR GRADER CUTTING EDGES 2014-0529

Morgan County Public Works Administrator Bruce Bass presented to the Board for approval Bid Award 2014-0529 Motor Grader Cutting Edges noting this was a budgeted item with edges being purchased approximately every eighteen months. Bass stated five bids were received with 4 Rivers Equipment submitting a bid which was received after the deadline and was returned unopened. The first bid was from Wagner Equipment for Caterpillar edges at \$82.08 each for a total bid of \$32,832.00 with estimated delivery of six to ten weeks. The second bid was from Wear Parts & Equipment for Black Cat edges at \$83.66 each for a total bid of \$33,464.00 with estimated delivery of three to four weeks. The third bid was from Vaulk Manufacturing Company for Vaulk edges at \$89.49 each for a total bid of \$35,796.00 with estimated delivery of thirty to sixty days. The fourth bid was from Winter Equipment Company for Black Cat edges for \$91.23 each for a total bid of \$36,492.00 with estimated delivery of thirty to forty-five days. Bass recommended Wagner Equipment for a total bid amount of \$32,832.00. Commissioner Teague made a motion to approve Bid Award 2014-0529 to Wagner Equipment as outlined by Bass. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated May 30, 2014 through June 10, 2014 with no changes.

UNFINISHED BUSINESS

There was no unfinished business.

RENEWAL APPLICATION FOR A HOTEL AND RESTAURANT LIQUOR LICENSE FOR MALT, VINOUS AND SPIRITUOUS LIQUOR-ELAINE'S PLACE

Public Hearing opened at 9:08 a.m.

Morgan County Clerk and Recorder Connie Ingmire presented to the Board for approval the Renewal Application for a Hotel and Restaurant Liquor License for Malt, Vinous and Spirituous Liquor for Elaine's Place located at 17590 County Road T.5, Fort Morgan, CO noting the license expires June 29, 2014. Ingmire reported 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 9:09 a.m. Commissioner Teague made a motion to approve the Hotel and Restaurant Liquor License Renewal Application for Malt, Vinous and Spirituous Liquor for Elaine's Place and authorize the Chairman to sign. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

APPLICATION FOR A SPECIAL EVENTS PERMIT-THE SCHOOL FOR THE PERFORMING ARTS

Public Hearing opened at 9:10 a.m.

Morgan County Clerk and Recorder Connie Ingmire presented to the Board for approval a Special Events Permit Application for Malt, Vinous and Spirituous Liquor for The School for the Performing Arts for the Glenn Miller Swingfest scheduled for June 21, 2014 from 5:00 p.m. to 11:00 p.m. Ingmire noted the special event will be held at the Keith Bath property located at 22424 County Road Q, Fort Morgan, CO. Ingmire reported the fees were attached along with a diagram of the facility and permission from Mr. Bath to host the Glenn Miller Swingfest at his facility. Jacob Bieber representing The School for the Performing Arts was present and indicated tickets are for sale for the upcoming event. Morgan County Sheriff Jim Crone had nothing negative to report. There was no public

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comment. Public Hearing closed at 9:13 a.m. Commissioner Teague made a motion to approve the Special Events Permit Application for The School for the Performing Arts and authorize the Chairman to sign. Chairman Pro Tem McCracken seconded the motion. Motion carried 2-0.

CITIZEN'S COMMENT PERIOD

There were no citizen comments.

We hereby adjourn and are in recess at 9:14 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

(SEAL)

ATTEST:

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS June 3, 2014 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, June 3, 2014 at 9:30 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners Brian McCracken and Laura Teague. 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:

Applicant: Robert Elrick
Landowners: Robert G. Elrick and Debra I. Elrick

Bob and Deb Elrick and their son, Ryan Elrick, were present to represent the file.

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

Application for a Planned Unit Development of 9 lots located in the NW1/4SE1/4 of Section 12, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, approximately ¼ mile north of Co Rd Q, West of Co Rd 17.7 (Nelson Rd), Fort Morgan, Colorado. The property contains 37.76 gross acres, less 2.07 acres roads, for a net acreage of 35.69 acres.

All lots will be accessed from an interior roadway off Morgan County Road 17.7. The access road is a 30 foot right of way with a 15 foot utility easement on either side.

The applicants have submitted a cost estimate for the infrastructure development of the Planned Development. It is estimated that the cost for the City of Fort Morgan sewer, electric, and natural gas will be \$87,000.00. It is estimated that the interior road will cost \$20,000.00, and trenching for water will cost \$20,000.00. A Subdivision or Multiple Tap Purchase Agreement has been executed by the applicant and Morgan County Quality Water for the purchase of 9 Quality water taps over a five year period of time. A letter of credit has been issued from the Bank of Colorado for the infrastructure costs of this Planned Development.

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The property of the Planned Development has had extensive soil and drainage engineering completed in 2003 when the applicant previously owned the property. This engineering document is included in the file. The engineering was completed by Earth Engineering Consultants. John Crosthwait informed the Commissioners that he had not received the drainage study plan from the applicant. He has had conversations with Jeff Odor who is the engineer for this project and is advised that this drainage study will be completed and turned in as soon as feasible.

The Planned Development will be served by Utilities from the City of Fort Morgan. These utilities include sanitary sewer, natural gas and electric. Will serve letters have been provided by the City of Fort Morgan, and are a part of this file. Access has been granted by Morgan County Road and Bridge Department.

The Planned Development has Restrictive Covenants as well as Articles of Incorporation of Prairie West Homeowners Association. Both will be recorded at the Morgan County Clerk and Recorder's office.

The applicant has obtained impact statements from the Morgan County Sheriff, Fort Morgan School District, and Fort Morgan Rural Fire Department. The applicant has also included a narrative describing the project and any impacts that this development may have in the community.

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.

Bob Elrick said the Planning Commission requested a drainage study and he will have to build a detention pond. Jeff Odor of River Engineers out of Rifle is lined up to handle the drainage plan. He hoped to have this done prior to this hearing but found out it will be at least another two weeks to get finalized. He will need to revise the survey to include the request made by Robb Shaver, whose residence is surrounded by this Planned Development. Robb Shaver wanted an easement for utilities and drainage on the north side of his property and said it should be within the Planned Development not on Rob's property; this will move the road more to the north. Bob Elrick also mentioned that a neighbor across the road to the east, Richard Leadbetter, asked that the trees on Bob's property be left if at all possible. Bob said the trees would need to be removed because of the road change.

Drainage: Commissioner McCracken asked John Crosthwait if this was an incomplete application because they were waiting on a drainage study. John Crosthwait noted this was a very good application, that Mr. Elrick was a reputable builder and an asset to the area. He noted there is a drainage problem due to farmland surrounding this site. The part of farmland that is near this site is now under a sprinkler rather than flood irrigated which should eliminate a lot of problems. He said upon completion of the drainage study, which is a big part of this application, he would recommend approval of this application. John also mentioned that Robb Shaver was in support of this application with the drainage plan in place. John stated the City of Fort Morgan (Brad Curtis) supported this application and that drainage wouldn't impact the City.

PUBLIC COMMENT:

Bill Kindel, 802 Navajo, Fort Morgan, said he was here to make sure the drainage issues were being taken care of – it is not a matter of "if" but "how" this will be handled. There was no one else present to speak in favor of or in opposition to this application.

A motion was made and rescinded by Commissioner Teague.

It was moved Commissioner Teague and seconded by Commissioner McCracken to table this Application from Robert G. Elrick and Debra I. Elrick for a Planned Unit Development to create 9 lots located in the NW1/4SE1/4 of Section 12, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, located approximately ¼ mile north of Co Rd Q, and west of Co Rd 17.7 (Nelson Rd), Fort Morgan, Colorado, until a drainage plan has been turned in to the County Planning Department and then schedule a hearing before the Commissioners for the next Tuesday following the day of the submittal of the drainage plan. Motion carried 2-0. Resolution will be presented at the next hearing.

AMENDMENTS TO MORGAN COUNTY ZONING AMENDMENTS

John Crosthwait noted the following: It has come to the attention of the Planning and Zoning Staff that political signs 8'X4' have been allowed to be placed in areas of Morgan County without notification or permits. This amendment will provide for political signs to be placed without going through the permitting process together without the required \$75.00 fee for each 8' X 4' sign. The signs must be removed within 30 days after the election, whether special election, primary election, or general election.

John Crosthwait noted that the Planning Commission approved the amendments with the condition to add wording to the effect that "signs will be placed with no visual obstructions to traffic and signs will only be placed with landowner permission".

John recommended approval of the following Zoning Amendments with Planning Commission conditions added:

Amendment to S Appendix of the Sign Regulations to add:

S-115 General Requirements (All Zone Districts)

- P) Political campaign signs 32 square feet (8' X 4') or smaller shall be exempt from the permitting process in all zones. Political signs may be erected 1 year prior to the general election for which it is being campaigned. Political signs shall be removed

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within thirty (30) days after the election. No signs may be placed without the landowner's expressed permission to place the sign. No signs may be placed in the road right of way, and shall not be placed in any area that would impede visual safety of pedestrian or motor vehicle traffic. County Roads are sixty (60) feet wide. To determine where you may place your sign, start from the middle of the road and measure thirty (30) feet from the center of the road. No sign may be placed within this area.

Chapter 1

1-120 Language Clarification – Definitions

Add (in Italics)

1-765 **Right of Way:** An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians, and/or facilities of a public utility.

(A) *No trash, trash containers, furniture, signs, or any item not deemed to be part of the natural landscaping can be left in the right of way for longer than 24 hours.*

Public Comment:

Sheriff Crone was concerned that the 24 hour removal/claim period did not match the 72 hours as required by State law. He thought they should read the same and he will double check that statute.

John Crosthwait said he can change the Resolution to match what Sheriff Crone finds out.

It was moved by Commissioner Teague and seconded by Commissioner McCracken to approve Resolution #2014BCC18 with discussed changes under 1-765 (A) which will be modified to conform with State Statute. 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