

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

### Minutes of Meeting

August 11, 2015

The Board of Morgan County Commissioners met on Tuesday, August 11, 2015 at 9:01 a.m. with Chairman Brian McCracken, and Commissioner James Zwetzig in attendance with Commissioner Laura Teague absent. Chairman Brian McCracken called the meeting to order and asked Morgan County Administrative Services Manager Tracy Amen 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 August 4, 2015  
Ratify the Board of County Commissioners approval of Contract 2015 CNT 128, NJC Young Farmers, Pedal Tractor Pull, Morgan County Fair, Term of Contract August 5, 2015  
Ratify the Board of County Commissioners approval of Contract 2015 CNT 129, Quad County Plumbing and Heating, Repairs to Justice Center, Term of Contract August 3, 2015 until complete  
Ratify the Board of County Commissioners approval of Contract 2015 CNT 130, Quad County Plumbing and Heating, Repairs to Fairgrounds, Term of Contract July 28, 2015 until complete  
Ratify the Board of County Commissioners approval of Contract 2015 CNT 131, Quad County Plumbing and Heating, Repairs to Extension Office, Term of Contract July 28, 2015 until complete  
Ratify the Board of County Commissioners approval of Contract 2015 CNT 134, , Quad County Plumbing and Heating, Repairs to Fleet Building, Term of Contract July 28, 2015 until complete  
Ratify Chairman Brian McCracken's signature approving the assignment of debt collections to Central Collection Services for Client #142139 and #142316  
Ratify revised Right of Way Permit 2015 PMT 22 – Saddlehorn Pipeline Company, LLC  
Ratify revised Right of Way Permit 2015 PMT 23 – Saddlehorn Pipeline Company, LLC

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

#### **GENERAL BUSINESS AND ADMINISTRATIVE ITEMS**

##### **Consideration of Approval – RIGHT OF WAY PERMIT – 2015 PMT 24 – Century Link, Inc**

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2015 PMT 24 with Century Link, Inc. Mr. Goodman stated this is a right of way permit to install fiber service in the south right away of County Road T from west of Highway 71, across north Custer Street and across County Road 27.5 to County Road 27; thence south in the east right of way of County Road 27 to the T-Mobile site at 18700 County Road 27, Brush, Colorado. He explained this line will also be extended into the Wendy's Restaurant but that is Colorado Department of Transportation Right of Way. Mr. Goodman stated the fees are attached in the amount of \$825.90 as necessary.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2015 PMT 24 with Century Link, Inc. as outlined by Mr. Goodman and authorized the Chair to sign. Commissioner McCracken seconded the motion and motion carried 2-0.

##### **Consideration of Approval – CONTRACT – 2015 CNT 132 – e-Docs Solutions**

Morgan County Clerk and Recorder Susan Bailey presented to the Board for approval Contract 2015 CNT 132 e-Docs Solutions. Ms. Bailey stated this is a contract for a new e-recording vendor. E-Docs Solutions will submit e-recording documents for recording. Ms. Bailey explained this will be the fifth entity to submit e-recordings through the Morgan County Recording Department.

Commissioner Zwetzig asked how many entities utilize the e-recording services with Chief Deputy Randee Aleman explaining that currently Morgan County receives about 30-35 percent of the total recordings through electronic submissions.

Commissioner Zwetzig made a motion to approve Contract 2015 CNT 132 with e-Docs Solutions as outlined by Ms. Bailey and authorized the Chair to sign. Commissioner McCracken seconded the motion and motion carried 2-0.

##### **Consideration of Approval – CONTRACT – 2015 CNT 133 – Lason Systems, Inc.**

Morgan County Clerk and Recorder Susan Bailey presented to the Board for approval Contract 2015 CNT 133 Lason Systems, Inc for support and maintenance on the Minolta PC/Printer/Scanner/Carrier used for viewing and printing from microfilm. The contract term is September 25, 2015 through September 24, 2016 in the amount of \$1,751.54. Commissioner McCracken asked when this equipment may be replaced, with Ms. Bailey stating this equipment is in her 2016 budget request for replacement and this maintenance agreement would carry over to that new equipment if approved.

Commissioner Zwetzig made a motion to approve Contract 2015 CNT 133 with Lason Systems, Inc. as outlined by Ms. Bailey indicating the term of the lease as upon signature of the Contract is from September 25, 2015 through September 24, 2016 in the amount of \$1,751.54. Commissioner McCracken seconded the motion and motion carried 2-0.

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## COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated August 7, 2015 through August 15, 2015 with no changes.

Commissioner Zwetzig thanked all the many volunteers who assisted with the Morgan County Fair expressing the Board's gratitude to all who participated including the youth and all those who made the fair possible.

## UNFINISHED BUSINESS

There was no unfinished business.

## CITIZEN'S COMMENT PERIOD

There were no citizen comments.

At this time, Chairman McCracken recessed the meeting at 9:10 a.m. until the scheduled Public Hearing at 9:30 a.m.

## PUBLIC HEARING

### **Application for Replat of Lot 4 in the Valley View Minor Subdivision located in the Northwest Quarter of Section 27, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M. Morgan, County, Colorado**

The hearing was called to order by Chairman Commissioner McCracken at 9:30 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Brian McCracken and Commissioner Jim Zwetzig with Commissioner Laura Teague absent. Also present were John Crosthwait, Planning Administrator.

### **APPLICANT: TRAVIS OCANAS AND TERI LAPP LANDOWNERS: TRAVIS OCANAS AND TERI LAPP**

Chairman McCracken asked Morgan County Planning Administrator John Crosthwait to present the file. Mr. Crosthwait presented the file and noted the following:

The applicants are requesting to replat Lot 4 which they presently own. Their request is to subdivide Lot 4 into two lots of 16.566 acres and 5.883 acres. The applicants plan to retain the larger Lot of 16.5666 acres for their future home, and sell the smaller lot of 5.883 acres. All of the landowners in the minor subdivision have agreed to amend the Restrictive Covenants for the subdivision to allow lot 4 to be subdivided into two lots.

The applicants have purchased an additional Morgan County Quality Water Tap bearing permit #2880 for the proposed new lot, while the original lot has an existing Morgan County Quality Water Tap bearing permit # 2701. The file contains a will serve letter from the Northeast Colorado Health Department. Accesses for both lots have been approved by the Morgan County Road and Bridge Department.

The parcel is served by the Fort Morgan Rural Fire District. The site is not located in the floodplain. Soils are listed as not limited to somewhat limited. All appropriate notices, posting and publication requirements have been met. Property is zoned "A" Agriculture. Taxes are current.

Mr. Crosthwait recommended approval of the application.

Chairman McCracken asked applicants Travis Ocanas and Teri Lapp to approach the podium. Travis Ocanas indicated his address as being Post Office Box 66, Fort Morgan and Teri Lapp indicated her address as the same. Mr. Ocanas stated he had nothing more to add to the information provided by Mr. Crosthwait.

At this time Chairman McCracken opened the matter for public comment asking for any comments for or against the application with no public comment.

Commissioner Zwetzig asked the question regarding subdivision regulations regarding different methods for platting of minor subdivisions or initial subdivisions, with Mr. Crosthwait stating an initial platting of a subdivision greater than four lots is considered a Planned Development with a minor subdivision being less than four lots. A planned development would require a drainage study, impact study and explained the road infrastructure required to be in place as for water and electricity. Commissioner Zwetzig stated that his point is initially it was a four lot subdivision and this will now make it a five lot subdivision and inquired whether or not there should be something in place for this type of situation if it should occur. Mr. Crosthwait indicated a Planned Development is quite more involved than a Minor Subdivision. Commissioner Zwetzig inquired whether or not there should be regulations in the subdivision regulations regarding a four lot subdivision and if it should then be broken into more than four lots, should there be something in the regulations to address this situation.

Commissioner Zwetzig asked the applicants about the north twenty foot dedication on the north end of the new lot and the aerial map showing a turning lane, asking if that turn lane is within those 20 feet. Teri Lapp stated the easement will include the turn into the lot and that will allow them to use that road and allow access to the other property. Before the finalization, she stated they will need to speak with the surveyor to ensure that is what the purpose of this is. Commissioner Zwetzig is concerned about the 20 feet being minimal and are there any agreements in place regarding this easement, something included in the covenants as to who will maintain and cover costs. Teri Lapp stated they do not have anything included in the covenants at this time, and Commissioner Zwetzig

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stated as an advisory, he would recommend they think about including some protection in the covenants. Mr. Ocanas stated they will use this easement minimally but understands the level of protection it will provide to them.

Commissioner Zwetzig asked if anyone at the Planning Commission spoke in regards to the additional lot being added, with Mr. Crosthwait stating that the only one who spoke was Mr. James Scott Kembel who was concerned about access to his alfalfa field and it was pointed out by this individual that the road is not located where it is indicated on the plat.

Commissioner Zwetzig asked that it be noted that when this initial subdivision was approved, the dedication of 30 foot road right of way and a disclaimer that stated that Commissioners are not going to be responsible for the grading and paving of the maintenance of this road way, and he asked that this be included in these minutes. He would also like to be sure the survey is corrected to include the road being in the right location and driveway access is corrected, and would like to delay approval of this application until this is completed.

Teri Lapp stated that they do have a contract on the lot and explained the surveyor is expecting these changes and she feels that he would be able to take care of this matter. Commissioner Zwetzig asked if it would be appropriate to table the matter for one week and explained he believes the benefits would be more in the applicant's favor than anyone else.

Commissioner Zwetzig would like to see the plat indicate where the road actually is as well as the easement on the north, if there is a turning lane necessary, it may need to be revised to include the radius or make it a 30 foot easement in lieu of the 20 foot easement proposed. Ms. Lapp stated she is not able to answer the question whether or not the buyer would object to this change, as she had indicated to them it will be a 5.8 acre lot. Commissioner Zwetzig wants to see where County Road 21.5 actually is explaining that the plat needs to indicate the exact location, and prefers not to create a new lot that does not have a firm access, and it is best to get this resolved at this time.

Further discussion ensued regarding what the plat needs to include and Commissioner Zwetzig stated that it is the Board's duty that they are not creating a lot that has no access. Mr. Ocanas stated that when they purchased the lot, they bought it with the understanding that the road is their main entrance and the easement was in place, and now that they are placing a new road, he feels they are going backwards. Commissioner Zwetzig stated he believes this is something that needs to be corrected and it is at the benefit of the applicant. Mr. Ocanas explained that their original address was County Road 21.5, and that was the main access to the lot. Commissioner Zwetzig stated if they want County Road 21.5 access, they will need to have it dedicated appropriately on the survey.

Discussion followed regarding the question of access, with Commissioner Zwetzig stating the roadway diverges so far off they do not have access, with Mr. Ocanas stating there is a 30 foot easement east and west to allow access from the County Road and stated that was put in place by Mr. Kembel when this minor subdivision was created. Mr. Crosthwait stated he understands it this same way when it was created and further stated to simplify the matter, he understands the applicants would like to expedite the process and if the final plat will document where the road is at, explaining the property pin locations which show the property edges of those existing in this subdivision, if the plat indicates exactly where the road is now and dedicate that road to the County and the width of that roadway. Commissioner Zwetzig wants the road to be dedicated on a survey exactly where the road is located, with Crosthwait confirming the Board is asking for the survey to indicate the exact location of the road and dedicated to the County.

The applicant's expressed their confusion and wants to ensure that they understand exactly what the Board is wanting so they do not have to do this more than once. Commissioner Zwetzig explained that he would like to require that the survey indicate a "road" and not just a "line" on the survey that indicates the road that will then be dedicated to the County and it is listed on the HUTF reports, and the County will continue to maintain this road.

Mr. Crosthwait stated this has nothing to do with the applicant's request, explaining that CR 21.5 goes to the south and dead ends and is exactly in line with the discussions we are having today. Mr. Crosthwait stated he will contact Thomas Surveyor today and see if he can expedite this request. Mr. Crosthwait explained that he believes Commissioner Zwetzig's concern is warranted and this would be the best option for the applicants.

Mr. Ocanas and Ms. Lapp both stated they do understand this concern and realize this will make the survey and documentation most accurate as to what is in place. Mr. Ocanas explained that there is a 30 feet easement on each side of County Road 21.5 for Mr. Kembel to be able to access his property appropriately.

Commissioner Zwetzig asked to note the minutes there was no one present to object to the creation of the new lot and then made the motion to table the matter for one week until Tuesday, August 18, 2015 at 9:30 a.m. Mr. Ocanas asked if they need to be present at this continuance with both Commissioners stating it is at their discretion. Commissioner McCracken seconded the motion and motion carried 2-0.

There being no further business, the meeting was adjourned 9:57 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

**(Minutes ratified August 25, 2015)**

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

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

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

(SEAL)

**ATTEST:**

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