

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting August 30, 2016

The Board of Morgan County Commissioners met on August 30, 2016 at 9:00 a.m. with Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Chair Laura Teague called the meeting to order and asked Morgan County Deputy Clerk to the Board Randee Aleman to lead the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Contract 2016 CNT 174, A & R Automotive, alignment on unit #5499, Term of Contract August 23, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 175, Standard Glass Co, replace windshield in unit #36, Term of Contract August 22, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 176, Wireless Advanced Communications, on call service for county vehicles and equipment fleet, Term of Contract August 19, 2016 through August 18, 2017
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 177, Epic Design & Consulting, LLC, update & draw as built plans for Administration building, Term of Contract August 12, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 178, Earth Engineering Consultants LLC (EEC), soil test and report for 617 Hospital Road, Brush CO, Term of Contract June 21, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 179, Winstead Construction, repair brick & mortar at Administration building, Term Of Contract August 3, 2016 until completed
- Ratify Chair Laura Teague's signature on the CCI 2016 Legislative Committee member appointment for the Legislative Committee Meeting on October 14, 2016 for Colorado Counties, Inc.
- Ratify Chair Laura Teague's signature on the Memorandum of Understanding 2016 MOU 003, Town of Wiggins dated August 23, 2016
- Ratify Chair Laura Teague's signature on the Memorandum of Understanding 2016 MOU 004, Wiggins School District RE-50J dated August 23, 2016
- Ratify Chair Laura Teague's signature on the Memorandum of Understanding 2016 MOU 005, Brush School District RE-2 dated August 23, 2016

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

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RESOLUTION 2016 BCC 027 – Resolution amending the Morgan County liquor licensing and permitting regulations to prohibit the issuance of temporary permits to liquor-licensed drugstores while an application to transfer ownership of a retail liquor store license is pending

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2016 BCC 27

A RESOLUTION AMENDING THE MORGAN COUNTY LIQUOR LICENSING AND PERMITTING REGULATIONS TO PROHIBIT THE ISSUANCE OF TEMPORARY PERMITS TO LIQUOR-LICENSED DRUGSTORES WHILE AN APPLICATION TO TRANSFER OWNERSHIP OF A RETAIL LIQUOR STORE LICENSE IS PENDING

WHEREAS, the Colorado General Assembly recently passed Senate Bill 2016-197, which, among other things, amends the Colorado Liquor Code, Article 47 of Title 12 of the Colorado Revised Statutes to restrict the issuance of temporary permits to liquor-licensed drugstores applying for a transfer of ownership of retail liquor store licenses; and

WHEREAS, the Board of County Commissioners desires to amend the County's established liquor licensing regulations, as previously approved and adopted October 11, 2011, and subsequently amended May 21, 2013, to correspond with state law.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

Section 1. Section VIII(C) of the Morgan County Local Licensing Authority Regulations is hereby amended to read as follows, with new language appearing in ALL CAPS:

VIII. Temporary Permit.

C. The Authority shall have discretionary authority to issue a temporary permit to a transferee of any retail class of alcohol beverage license issued by the Authority; EXCEPT THAT NO TEMPORARY PERMITS SHALL BE ISSUED TO A LIQUOR-LICENSED DRUGSTORE THAT HAS ACQUIRED OWNERSHIP OF A LICENSED RETAIL LIQUOR STORE IN

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ACCORDANCE WITH SECTION 12-47-408(1)(b), C.R.S. WHILE AN APPLICATION FOR A TRANSFER OF OWNERSHIP OF THE RETAIL LIQUOR STORE LICENSE IS PENDING.

APPROVED this 30TH day of August 2016.

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

s/ Laura D. Teague
Laura D. Teague, Chair

s/Brian K. McCracken
Brian K. McCracken, Commissioner

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Morgan County Clerk and Recorder Susan Bailey presented to the Board for approval, Resolution 2016 BCC 27 a Resolution amending the Morgan County liquor licensing and permitting regulations to prohibit the issuance of temporary permits to liquor-licensed drugstores while an application to transfer ownership of a retail liquor store license is pending. Ms. Bailey stated due to Senate Bill 2016-97 having been passed, this action is required to be taken to amend the current liquor licensing and permitting regulations to remain compliant with current law and rule. Ms. Bailey stated that Morgan County currently does not have any liquor licensed drugstores within the unincorporated areas of Morgan County.

Commissioner Zwetzig made a motion to approve Resolution 2016 BCC 27, Resolution amending the Morgan County liquor licensing and permitting regulations to prohibit the issuance of temporary permits to liquor-licensed drugstores while an application to transfer ownership of a retail liquor store license is pending as outlined by Morgan County Clerk and Recorder Susan Bailey. Commissioner McCracken seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated August 26, 2016, through September 6, 2016 with changes.

UNFINISHED BUSINESS

Commissioner McCracken stated due to information having been received, the Board could move to act on Resolution 2016 BCC 019, with Chair Teague asking for further information as to item number 1. Commissioner Zwetzig clarified at this time this item has now been moved back onto the table for action. He further summarized the resolution explaining the new information the Board received is they were not aware that of one of the landowners who had expressed disagreement with this action and has now signed into an agreement with the caveat they are allowed ample time to review the additional documents pertaining to this matter. Discussion followed regarding the changes that have been made to the maps, with Commissioner Zwetzig stating that the descriptions listed on the map did not necessarily have a drawing that matched the descriptions, so they have now asked the County Surveyor to draw this map and believes that everyone is in agreement with it at this time. A recorded survey is also attached to the document which allows for someone to follow the description in its entirety.

Chair Teague asked if Mr. Chuck Miller has reviewed the documents, with Ms. Waite stating the only document he has not seen in its entirety is Resolution 2016 BCC 19. Commissioner Zwetzig made the motion to move into recess until Mr. Miller makes his appearance. Commissioner McCracken seconded the motion and motion passed 3-0.

Chair Teague reconvened the meeting at 9:19 a.m. and stated the Board would now consider Resolution 2016 BCC 19, and asked Commissioner Zwetzig to further comment. At this time, Commissioner Zwetzig provided the information as to the revised documents related to this matter to Mr. Chuck Miller for his review. Mr. Miller reviewed the documents provided and further discussion followed regarding that the date on the document had been revised to indicate the correct date, and the description with the map drawing was also attached.

Consideration of Approval – RESOLUTION - 2016 BCC 019 – Declaring County Road 1 South of I-76 As A Public Highway

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

RESOLUTION NO. 2016 BCC 019

A RESOLUTION DECLARING COUNTY ROAD 1 SOUTH OF I-76 AS A PUBLIC HIGHWAY.

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WHEREAS, County Road 1 extends south of I-76 approximately 1.1 miles as generally described in Exhibit A attached hereto (hereinafter "CR 1 Segment");

WHEREAS, over time, use and maintenance of the CR 1 Segment has resulted in a minor variation in the location of CR 1 Segment and as a result, the current location of the CR 1 Segment is described in Exhibit B attached hereto (hereinafter "Current CR 1 Segment");

WHEREAS, the CR 1 Segment and subsequently, the Current CR 1 Segment, have been used by the owners of property adjacent to the Current CR 1 Segment and by the public for a period in excess of 20 consecutive years without objection from any of the landowners adjacent to the Current CR 1 Segment;

WHEREAS, Morgan County has maintained the CR 1 Segment and subsequently, the Current CR 1 Segment, by plowing snow in the winter and periodically grading the roadway surface for a period in excess of 20 consecutive years;

WHEREAS, none of the landowners adjacent to the Current CR 1 Segment have attempted to place gates or other obstructions across the CR 1 Segment and subsequently, the Current CR 1 Segment, for a period in excess of 20 consecutive years;

WHEREAS, the CR 1 Segment and subsequently, the Current CR 1 Segment, have been clearly marked with signage designating as a County Road open to public use for a period in excess of consecutive 20 years;

WHEREAS, Morgan County has certified to the Colorado Department of Transportation that the CR 1 Segment and subsequently, the Current CR 1 Segment, are part of the public road system of Morgan County and has received funding from the Colorado Department of Transportation in reliance of this certification; and

WHEREAS, C.R.S. §43-2-201(1)(c) provides that all roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for 20 consecutive years are declared to be public highways.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Morgan County, Colorado, that

1. The Board of County Commissioners finds that the CR 1 Segment and subsequently, the Current CR 1 Segment, as described in Exhibits A and B attached hereto have been used by the public without interruption or objection from owners of lands adjacent to the Current CR 1 Segment for a period in excess of twenty consecutive years.
2. The Board of County Commissioners finds that, despite the minor variation in location of CR 1 Segment due to use and maintenance, the Current CR 1 Segment is the intended location of County Road 1 south of I-76.
3. The Board of County Commissioners therefore finds and declares that the Current CR 1 Segment described in Exhibit B attached hereto is a public highway open to travel by the public pursuant to C.R.S. §43-2-201(1)(c).

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of County Commissioners of Morgan County on this 30th day of August, 2016.

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

s/ Laura D. Teague
Laura D. Teague, Chair

s/ Brian K. McCracken
Brian K. McCracken, Commissioner

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

At this time, Commissioner McCracken made a motion to approve Resolution 2016 BCC 019, a Resolution Declaring County Road 1 South of I-76 As A Public Highway as outlined. Chair Teague seconded the motion and motion carried 3-0.

At this time, Commissioner Zwetzig stated the first easement for review is for the Hoecher's and Morales's, being item 2 and then the other is for the Williams'. He further stated that information has been added as well as the map drawing to the documents being brought forward. Mr. Chuck Miller, at this time, stated his address as 26060

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County Road S, Brush, Colorado and recommended that the Board add verbiage related to Exhibit A with Commissioner Zwetzig stating he does not believe this request would be an issue and agreement by the Board was made.

Consideration of Approval – EASEMENT- Road Way And Utility Easement Agreement, Vicki R. Hoecher & Lori D. Morales

Commissioner Zwetzig made a motion to approve and accept the Easement for a Road Way And Utility Easement Agreement, dated July 27, 2016, between Vicki R. Hoecher & Lori D. Morales and Morgan County, which is a roadway and utility easement, with a change to Exhibit A, a portion of the property described in the personal representative's deed recorded as reception number 880659 in the Morgan County Clerk and Recorder's records, and outlined the information as described in the document. Commissioner McCracken seconded the motion and motion carried 3-0.

Consideration of Approval – EASEMENT- Road Way And Utility Easement Agreement, Earl S. Williams & Shirley A. Williams

Consideration of Approval – RESOLUTION - 2016 BCC 020 – Approving The Vacation Of A Portion of Morgan County Road 1 Within Morgan County, Colorado

Consideration of Approval – RESOLUTION - 2016 BCC 21 – Declaring County Road 1 South of I-76 As A Public Highway

At this time, Chair Teague noted the Board does not have a signed easement agreement from the Williams' parties in regards to item number three.

Commissioner McCracken made a motion to table this matter as well as items four and five until such time the Board receives a signed easement agreement from the Williams' parties for an Easement for a Road Way And Utility Easement Agreement. Commissioner Zwetzig seconded the motion and motion carried 3-0.

CITIZEN'S COMMENT

There was no citizen's comment.

Being no further business, the meeting was adjourned at 9:32 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified September 6, 2016)

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

Laura D. Teague, Chair

Brian K. McCracken, Commissioner

James P. Zwetzig, Commissioner

(SEAL)
ATTEST:

Susan L. Bailey, Clerk to the Board