

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting September 20, 2016

The Board of Morgan County Commissioners met on September 20, 2016 at 9:10 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 citizen Chuck Miller to lead the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of Minutes dated September 13, 2016
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 186, Rick Lapp dba EPEC LLC, weed control, Term of Contract August 24, 2016 until completed
- Ratify the Board of County Commissioners approval of Contract 2016 CNT 187, Hill Petroleum, fuel purchasing, Term of Contract October 1, 2016 through March 31, 2017
- Ratify the Board of County Commissioners approval for disposal of assets, (1) 1990 Ranco 22-40 Dump Trailer, dated September 14, 2016
- Ratify the Board of County Commissioners approval of appointment of Mandy Dewey from Best Western Plus Hotel on the Morgan County Tourism Panel commencing on September 20, 2016
- Ratify the Board of County Commissioners approval of the purchase for additional asphalt in the amount of \$44,555.00 for paving the bridge on County Road 29 & S dated on September 13, 2016
- Ratify the Board of County Commissioners approval of transfer of debtors to the State Collections Agency, Ambulance Clients #160754B, #160534, #160180, #160521, #160887, #160819, #160392, #160840, #160706, #160820B, #160921, #160653, #160538, #160665, #160900, #160860, #160381, #160383, #160384, #160807, #160544, #160459, #160846, #160652, #160754A, #160791B, #160434, #160499, #160838B
- Ratify the Board of County Commissioners approval of changes to 2016 Morgan County Fee Schedule; GIS Fee Schedule
- Ratify Chair Laura Teague's signature on Morgan County Treasurer and Public Trustee Report for time period July 2016 through August 2016 dated September 13, 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 – RIGHT OF WAY PERMIT - 2016 PMT 25 – CenturyLink Inc

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2016 PMT 25, with CenturyLink Inc. Mr. Goodman stated this Right of Way in the south side of County Road X and the west side of County Road 21 for the purpose of installing a post mounted pedestal at 22997 County Road 21. He explained CenturyLink is going to begin using these types of pedestals given they are more observable to the public. He stated the fees are attached in the amount of \$75.00 and the location has been inspected.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2016 PMT 25 with CenturyLink Inc. as stated on the permit and authorized the Chair to sign. Commissioner McCracken seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated September 16, 2016, through September 27, 2016 with changes.

Morgan County Clerk and Recorder Susan Bailey provided an election update in regards as to voters updating their voter registration.

UNFINISHED BUSINESS

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

Chair Teague asked Mr. Chuck Miller if he had any questions regarding the matter before the Board proceeded with action. Mr. Miller asked if the documents he has been provided with were the correct versions with Chair Teague confirming they were. At this time, Commissioner Zwetzig stated these matters were tabled by Commissioner McCracken in a previous meeting and Commissioner McCracken then requested to bring these matters back on the table given the appropriate information has been received to proceed.

Commissioner McCracken made a motion to approve Easement for a Road Way And Utility Easement Agreement, Vicki R. Hoecher & Lori D. Moralez as outlined and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

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

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

RESOLUTION NO. 2016 BCC 020

A RESOLUTION APPROVING THE VACATION OF A PORTION OF MORGAN COUNTY ROAD 1 WITHIN MORGAN COUNTY, COLORADO

WHEREAS, Morgan County desires to vacate a portion of County Road 1 as part of a project to relocate a portion of County Road 1;

WHEREAS, the portion to be vacated is more specifically described and depicted on the survey attached hereto as **Exhibit A** (“Roadway”);

WHEREAS, the Roadway is currently a public right-of-way located entirely in the County and outside of the boundaries of a municipality, and is owned by Morgan County;

WHEREAS, pursuant to C.R.S § 43-2-303(1)(b), the Board of County Commissioners may vacate any roadway, or any part of a roadway, that is located entirely within the County, provided the roadway is outside the limits of a municipality; and

WHEREAS, after a duly noticed public hearing held on September 20, 2016, the Board of County Commissioners of Morgan County, Colorado, decided to vacate the Roadway, subject to the reservation of an easement for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances, in accordance with C.R.S. § 43-2-303(3), which shall include the right to maintain, repair, replace and expand their facilities within the Roadway.

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

1. The Board of Commissioners hereby finds that vacation of the Roadway satisfies all criteria under applicable law and hereby vacates the Roadway, subject to the reservation of an easement for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances which shall include the right to maintain, repair, replace and expand such facilities within the Roadway.

2. The County shall have no further obligation to inspect, maintain, repair, or replace the Vacated Portion or any improvements located therein.

3. The County relinquishes any right or claim it has or may have to the Roadway.

4. The Board of County Commissioners shall record this Resolution in the records of the Morgan County Clerk and Recorder.

DATED this 20th day of September, 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

Commissioner Zwetzig presented to the Board for approval, Resolution 2016 BCC 020, a Resolution Approving The Vacation Of A Portion of Morgan County Road 1 Within Morgan County, Colorado. Commissioner Zwetzig stated for a referral back to what has already been discussed is the fact that Morgan County had already maintained a road named in the resolution and is now in the process of formally memorializing this roadway and are now vacating a portion of the roadway that will no longer be used.

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Commissioner Zwetzig made a motion to approve Resolution 2016 BCC 020, a Resolution Approving The Vacation Of A Portion of Morgan County Road 1 Within Morgan County, Colorado as outlined and authorized the Chair to sign. Commissioner McCracken seconded the motion and motion carried 3-0.

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

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2016 BCC 021

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

WHEREAS, the County previously declared County Road 1 extending south from I-76 approximately 1.1 miles as a public highway in Resolution No. 2016 BCC 019;

WHEREAS, the County and certain owners along County Road 1 have agreed to relocate a portion of County Road 1 and entered into agreements to effectuate that relocation which will be recorded in the records of the Morgan County Clerk and Recorder;

WHEREAS, as a result of the relocation of a portion of County Road 1, the County vacated a portion of County Road 1 by Resolution No. 2016 BCC 020, and replaced the vacated portion with a new route with the agreement of affected property owners;

WHEREAS, the County now declares the road described in **Exhibit A** attached hereto as a public highway to be known as County Road 1;

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

1. The Board of County Commissioners finds and declares that the road described and surveyed in Exhibit A shall be County Road 1 and shall be 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 20th day of September, 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

Commissioner Zwetzig presented to the Board for approval, Resolution 2016 BCC 21, a Declaring County Road 1 South of I-76 As A Public Highway. Commissioner Zwetzig stated this resolution dedicates the new route as a result of the vacation of the old route.

Commissioner McCracken made a motion to approve Resolution 2016 BCC 21, a Resolution Declaring County Road 1 South of I-76 As A Public Highway as outlined and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

CITIZEN'S COMMENT

Chuck Miller, 26060 Morgan County Road S, Brush, CO spoke to the Board regarding the flood plain maps and stated he has reviewed the old elevation data and stated the surveyors were allowed to provide him, indicating they had some difficulty providing a certification, given the fact they cannot certify an elevation prior to a building permit and finalization of building. He stated he is not sure what he needs to submit at this time, and explained the information he has received from the surveyor as well as the Planning and Zoning Department, the previous maps on file for that area, and feels they do not make sense. In trying to complete what he needs to do, he stated he is struggling, and feels he and the Board may need to take another look at what information needs to be put together to submit. Commissioner Zwetzig suggested that if he does have some elevation information, that Mr. Miller provide this information to the Board. Mr. Miller stated that he did pay for particular elevation shots on his property and

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unfortunately that all shows up below the base elevation on the new maps, so he requested the old maps which he did receive by email, but he is not sure how to review them. After doing the work in 1999, to be above floodplain, he has nothing to show that work, because he is not able to obtain information that indicates what elevation he was before the work he did in 1999. He will meet further with the Planning and Zoning Department to see if he can obtain additional information, but he is not able to obtain a certified elevation certificate, as he was told to get this information, it must be a finalized structure and it is determined at that time. Commissioner Zwetzig suggested that contact be made with Colorado Water Conservation District and see if they would meet further to see what needs to be done to resolve this issue. Commissioner Zwetzig stated to leave the matter as Mr. Miller will be in discussions with John Crosthwait, Floodplain Administrator.

At this time, the Board stood in recess for the public hearing scheduled for 9:30.

PUBLIC HEARING

Application for Variance to minimum rear yard setback from 20 feet to 2 feet to place a structure to cover a Recreational Vehicle and Boat. The subject property is located on Lot 1 Hobbs Third Subdivision to the City of Fort Morgan, also known as 503 Colfax Street, Fort Morgan, Colorado 80701.

The hearing was called to order by Chair Teague at 9:30 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Also present were John Crosthwait, Planning Administrator and Jason Enfante, applicant.

APPLICANT: Jason and Jaclyn Enfante
LANDOWNERS: Jason and Jaclyn Enfante

Chair Teague asked Morgan County Planning Administrator John Crosthwait to present the file and invited the applicants to the front. Chair Teague read aloud the application noting the applicants have submitted an application for Variance to minimum rear yard setback from 20 feet to 2 feet to place a structure to cover a Recreational Vehicle and Boat. The subject property is located on Lot 1 Hobbs Third Subdivision to the City of Fort Morgan, also known as 503 Colfax Street, Fort Morgan, Colorado 80701.

Planning Administrator John Crosthwait presented the file stating this is an application for Variance to minimum rear yard setback from 20 feet to 2 feet to place a structure to cover a Recreational Vehicle and Boat. The subject property is located on Lot 1 Hobbs Third Subdivision to the City of Fort Morgan, also known as 503 Colfax Street, Fort Morgan, Colorado 80701.

Mr. Crosthwait stated the applicants state that without the variance, they would be unable to maneuver the Recreational Vehicle (fifth wheel) to its off street parking place. The applicant also states that without the Variance it would cause them to move abandon and existing swimming pool and patio. The applicant further states that the placement of this structure utilizing the requested Variance will be less of an eye sore and not obstruct any pedestrian view of the property.

All appropriate notices and publication requirements have been met. Property is zoned "RR" Rural Residential. Taxes are current.

At this time Mr. Crosthwait recommended approval. Mr. Crosthwait further stated he did conduct a site visit and read into the record the information indicating he met with the City of Fort Morgan Building Inspector in which he received confirmation from the City they would be in agreement with this proposal.

Mr. Crosthwait conducted a site visit to the Enfante property with City of Fort Morgan Building Inspector Mike Kirkendahl. The purpose of the site visit was to compare the consistency of the requested Morgan County Variance request to what the City of Fort Morgan would require given the same application. The City would be fine with the 2 foot setback against the rear property line, and there is sufficient clearance with the City overhead electrical line in the alley. According to the City of Fort Morgan Code, the proposed structure would be too large by 637.5 square feet. The City code also requires 15 foot side yard setback from the property line, while the County requires a 10 foot setback.

There is also a communications overhead line which is overhead on the Enfante property. The County has sent out a referral to our normal telecommunication providers (Century Link), with no results. The applicant has contacted Qwest and a Cable Communications company to find out the required overhead clearance requirement for the structure.

At this time Jason Enfante, the applicants, stated his address as 503 Colfax Street, Fort Morgan, Colorado 80701. Mr. Enfante provided pictures to each board member regarding the line in question which veers from his property, and summarized the picture he provided. He stated he has reached out to Qwest and has not received any response from them, and cannot find anyone who would claim ownership of the line in question and indicated that Morgan County Rural Electric Association stated it is not their pole either. Chair Teague asked if the line would touch the top of the new structure he plans to build, with his reply being it would not be an issue.

Chair Teague opened the matter for public comment in which there was no public comment.

At this time, Chair Teague moved to discussion and decision with Commissioner Zwetzig asking Mr. Crosthwait about his discussion with the City of Fort Morgan and important to note the County and City are working towards an

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IGA at this time which would allow collaboration between both entities regarding this type of issue. He stated it is important to state the County and City are working closely together. Commissioner Zwetzig asked about the size of the building being 18x35, asking about the fact Mr. Crosthwait stating the building is 675 feet too large. Mr. Crosthwait stated there apparently is a city code that would indicate this structure is too large given other existing structures that are on the property, so if it would to be annexed into the City of Fort Morgan, that could be an issue. Commissioner Zwetzig clarified that the County has communicated with the City and they have indicated no objection at this time. Chair Teague confirmed there are other properties within the close proximity that have the same type of setbacks with Mr. Enfante confirming this information.

Commissioner Zwetzig asked what the setback would be from Cherokee, with Mr. Enfante stating approximately 12 feet. Commissioner Zwetzig asked if parking a vehicle would be into the street, with Mr. Enfante stating it would only be road base for him to get his RV in and out of the structure. It is basically going to be a pole barn, according to Mr. Enfante. Discussion followed with Mr. Enfante stating if you used the location of the paved part of the street, it would be probably more like 20 feet. The setback is measured from the property line. Chair Teague confirmed the City is aware of where this location will be and Mr. Crosthwait stated with the city code, there would be some issues, but at this time it is located within the County. The only concern was the overhead line but Mr. Kirkendall and Mr. Crosthwait spent a good deal of time onsite and there were no other concerns.

A motion was then made by Commissioner McCracken to approve Resolution 2016 BCC 029 a Variance to minimum rear yard setback from 20 feet to 2 feet to place a structure to cover a Recreational Vehicle and Boat. The subject property is located on Lot 1 Hobbs Third Subdivision to the City of Fort Morgan, also known as 503 Colfax Street, Fort Morgan, Colorado 80701. Commissioner Zwetzig seconded the motion and motion carried 3-0.

RESOLUTION 2016 BCC 29

A RESOLUTION APPROVING A VARIANCE TO MINIMUM REAR YARD SET BACK LOCATED IN LOT 1, HOBBS THIRD SUBDIVISION TO THE CITY OF FORT MORGAN ALSO KNOWN AS 503 COLFAX STREET, FORT MORGAN, COLORADO 80701

WHEREAS, THE Board of County Commissioners of Morgan County, Colorado held a properly noticed and published hearing on September 20, 2016, on the application of Jason and Jaclyn Enfante as applicants and landowners for a Variance to minimum Rear Yard Set Back from 20 feet to 2 feet to place a new 30' X 45" structure to cover a Recreational Vehicle and boat. The property is located in Lot 1, Hobbs Third Subdivision to the City of Fort Morgan, also known as 503 Colfax Street, Fort Morgan, Colorado 80701, and is Zoned "RR" Rural Residential.

WHEREAS, the Board of County Commissioners heard testimony from the applicant regarding the application in which the applicant stated that without the Variance it would cause them to move and abandon the existing swimming pool and patio. The applicant further stated that the Variance will allow the storage of the Recreational Vehicle to be less of an eye sore and not obstruct any pedestrian view of the property.

WHEREAS, the Board of County Commissioners heard testimony from the Morgan County Planning Administrator who stated that he had contacted personnel from the City of Fort Morgan and made a site visit to the subject property. The City of Fort Morgan had no issue with the overhead City electrical power line or alley access. The subject structure would be in excess of 5' (five feet) to the City of Fort Morgan side yard setback due to the length of the structure.

WHEREAS, there was no public comment on the application.

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

1. The application of Jason and Jaclyn Enfante as applicant and landowner for a Variance to Minimum rear yard setback from 20 feet to 2 feet for the construction of a structure to cover a 30' X 45' Recreational Vehicle and boat located in Lot 1, Hobbs Third Subdivision to the City of Fort Morgan, also known as 503 Colfax Street, Fort Morgan, Colorado is hereby granted.
2. Any past, present or future drainage problems on this property are the responsibility of the landowner and not that of Morgan County.

Dated this 20th day of September, 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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Being no further business, the meeting was adjourned at 9:43 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified September 27, 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