

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting June 11, 2019

The Board of Morgan County Commissioners met Tuesday, June 11, 2019 at 9:00 a.m. with Chairman James Zwetzig and Commissioner Mark Arndt in attendance with Commissioner Jon Becker absent and excused. Chairman Zwetzig led the meeting in the Pledge of Allegiance.

### CITIZEN'S COMMENT

Ron Hayes, 1 Yates Terrace, Morgan Heights, Fort Morgan, stated he has two items for informational purposes. Morgan Heights voted and approved to amend the declaration of restrictive covenants and it will be recorded. He stated he wanted to notify the Commissioners of this action and provided a copy of a draft of the information that will be recorded. He stated the legal voting lots in Morgan Heights is 121 and that represents about 90-91 households. Of those 121 there were 80-82 affirmative votes for the approval of the amended covenants.

The other item for discussion, he noted they had expected comments to be made to the gathering, of about 60-70 individuals that attended the meeting, regarding the Morgan County road conditions. The covenants do not address this issue, and stated it is a Morgan County issue. He further stated because the conditions of the roads have continued to deteriorate and are not being maintained to county standards, he understands the special conditions due to erosion, but with 90 plus households having an average of two vehicles, using this road space daily, not counting commercial use, the road usage is very high and when there is snow and rain, there are bad trouble spots and stated he believes the Board knows what they are, and he feels the road conditions need to be addressed. He also spoke about the information he has heard that the school district also has issues with the school buses using the roadway.

### ADOPTION OF THE AGENDA

Commissioner Arndt made a motion to adopt the agenda as presented, with Chairman Zwetzig seconding the motion. Motion carried 2-0.

### CONSENT AGENDA

- Ratify the Board of County Commissioners approval of meeting minutes dated May 28, 2019
- Ratify the Board of County Commissioners approval of meeting minutes dated May 31, 2019
- Ratify the Board of County Commissioners approval of Contract 2019 CNT 069, McAtee Construction dba Simon, Asphalt Paving Project, Term of Contract May 7, 2019 through completion
- Ratify the Board of County Commissioners approval of Contract 2019 CNT 070, KUVO Jazz/Rocky Mountain Publiz Media PBS, Radio/Digital marketing for Glenn Miller Fest 2019, Term of Contract May 22, 2019 through June 16, 2019
- Ratify the Board of County Commissioners approval of Contract 2019 CNT 071, Rodeo News Magazine, Print Advertising for Brush Rodeo, Term of Contract May 01, 2019 through June 30, 2019
- Ratify the Board of County Commissioners approval of Contract 2019 CNT 072, Critical Facilities Technology LLC, Service Maintenance on UPS at Justice Center, Term of Contract May 28, 2019 through November 27, 2019
- Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #181797D
- Ratify Chairman Jim Zwetzig's signature on the DHS Child Welfare Grant Application, signed May 30, 2019
- Ratify the Board of County Commissioners approval of the waiver of fees at the fairgrounds for Brush Volunteer Fire Department, Funeral Reception, signed May 28, 2019
- Ratify the Board of County Commissioners approval of the waiver of fees at the fairgrounds for Brush Chamber of Commerce, Rodeo Beer Garden, signed June 7, 2019, for Non-profit fundraiser date July 2-4, 2019
- Ratify Chairman Jim Zwetzig's signature on the Veterans Officer report for the month of May, 2019

Commissioner Arndt made a motion to adopt the agenda as presented and authorized the Chairman to sign any of the documents necessary, with Chairman Zwetzig seconding the motion. Motion carried 2-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval – FIREWORKS DISPLAY – I-76 Speedway**

Morgan County Administrative Services Manager, Karla Powell presented the application submitted by the Fort Morgan Fire Department and I-76 Speedway, business owner being Butch Speicher to display fireworks July 5, 2019 at the location of 16359 County Road S, Fort Morgan, CO (Race Track). Ms. Powell stated the applicants have submitted the required application and the required liability insurance for this request. Discussion followed the state certification number has not been provided as of this date and it was noted they have completed the necessary class.

Commissioner Arndt made a motion to approve the Fireworks Display Permit for the applicant, Fort Morgan Fire Department and I-76 Speedway, with the display address being 16359 County Road S, Fort Morgan, Colorado (Race Track), noting the date and times of the permit noting the state certification number will need to be provided as well

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as the contingency that if there should be any fire ban in place, the permit will not be approved. At this time, Commissioner Arndt authorized the Chair to sign and Chairman Zwetzig seconded the motion. After no further discussion, the motion carried 2-0.

## UNFINISHED BUSINESS

There was no unfinished business.

## COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated June 7, 2019 through June 18, 2019 with no changes.

Morgan County Clerk and Recorder Susan L. Bailey announced the press release regarding the Voter Service Polling Center locations for the 2019 Coordinated Election. Ms. Bailey also updated the Board regarding the recent legislation that passed requiring Morgan County to provide one additional 24/7 ballot drop box and her proposal to place this ballot box in the Brush community. She stated she is currently working on the location and logistics for placement.

## PUBLIC HEARING

**Application for Vacation of Alley in CM Boyd's Subdivision - Applicant: Shawn Greenwell**  
**Alley lying between lots 11 and 12, Block 4 of CM Boyd's Subdivision of the SW ¼ of Section 36 Township 3 North Range 58 West of the 6th PM Morgan County, Colorado and lying between lots 1 and 2, Block 4 of CM Boyd's Subdivision of the SW ¼ of Section 36 Township 3 North Range 58 East of the 6th PM Morgan County, Colorado have requested that the County vacate a portion of such alley located south of North Frontage Road (formerly known as Second Avenue) and north of the right-of-way of Interstate 76 (such portion to be vacated hereinafter referred to as the "Alley") The Alley 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.**

Chairman Zwetzig opened the public hearing reading aloud the proposed request to vacate an alley in CM Boyd's Subdivision naming those applicants who filed the petition with the Board.

At this time, Chairman Zwetzig opened the matter for public comment at which time there was no public comment.

At this time, the public comment portion of the hearing was closed and moved to discussion and decision. Chairman Zwetzig referenced the resolution that has been prepared regarding this matter and spoke of the drainage easement which is required to be signed by all adjoining landowners. Chairman Zwetzig made note there may be revisions to the language in the drainage easement given concerns that were expressed by the Road and Bridge Department and the resolution will be revised.

Shawn Greenwell, addressed the Board explaining the documents he provided to the County regarding this request. At this time the Board reviewed the documents and discussion followed regarding the first request being a change in the legal description that had been filed by Victoria Thompson and information related to the drainage easement.

Chairman Zwetzig then read aloud the description of the alleyway to be vacated and asked that it be attached to the record. Chairman Zwetzig noted there will be amendments to the drainage easement noting the reasons for the language that needs to be addressed. Chairman Zwetzig explained the reasons for this necessary language in order to maintain proper drainage.

Mr. Greenwell asked if a building permit can be issued, with Ms. Cherry providing an answer to Chairman Zwetzig in regards to this inquiry. Ms. Cherry explained what the requirements are in order for the building permit to be issued, stating the structure must meet the setbacks required by Morgan County.

A motion was made by Commissioner Arndt to approve Resolution 2019 BCC 13, approving the Application for Vacation of Alley in CM Boyd's Subdivision, noting it is necessary to indicate the description of what is being vacated to what properties, and also need to have the drainage agreement signed by all parties prior to the official recording of the resolution and documents. Chairman Zwetzig seconded the motion. At this, time motion carried 2-0.

Being no further business the meeting was then adjourned at 9:31 a.m.

Respectfully Submitted,

Susan L. Bailey  
Clerk to the Board

**(Minutes ratified June 18, 2019)**

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

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s/James P. Zwetzig  
James P. Zwetzig, Chairman

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s/Mark A. Arndt  
Mark A. Arndt, Commissioner

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s/Jon J. Becker  
Jon J. Becker, Commissioner

(SEAL)

**ATTEST:**

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s/Susan L. Bailey  
Susan L. Bailey