

COMMISSIONERS PROCEEDING 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

February 2, 2010

The Board of Morgan County Commissioners met on Tuesday, February 2, 2010 at 9:00 a.m. with Chairman Brian McCracken, Commissioner Tony Carlson and Commissioner Laura Teague in attendance. Chairman Brian McCracken called the meeting to order with Assessor Bob Wooldridge leading the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

The following items were on the Consent Agenda

Consideration of Approval of Minutes dated January 19, 2010

Ratify Managing Commissioner Tony Carlson's signature on Credit Applications submitted by various vendors for the Morgan County Solid Waste Management Department

Ratify Chairman Brian McCracken's signature for assignment of debt collection to Affiliated Credit Services for Morgan County Ambulance Service Client accounts

Commissioner Carlson made a motion to approve all items on the Consent Agenda. Commissioner Teague made a motion to amend the date of the minutes to January 26, 2010 not January 19, 2010. Commissioner Carlson seconded the motion. Motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT 2010 PMT 03-XCEL ENERGY-PROVIDE NEW GAS SERVICE TO 19900 COUNTY ROAD N, FORT MORGAN, COLORADO

Road Supervisor John Goodman presented to the Board for approval Permit 2010 PMT 03 to trench in the right of way a gas pipe line to an existing gas main to provide gas service to Country Side Eggs. Fees have been paid resulting in an overpayment of \$100.00 to cross County Road N which was not necessary. A refund of \$100.00 will be credited. Commissioner Teague made a motion to approve Right Of Way Permit 2010 PMT 03. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-M&M COOP-FUEL DELIVERY FOR MORGAN COUNTY JANUARY 1, 2010-SEPTEMBER 30, 2010

Administrative Services Manager Susan Bailey presented to the Board for approval a contract with M&M Cooperative for fuel delivery in the amount of \$17,061.50. The contract would be from January 1, 2010 to September 30, 2010. A nine month contract would be more cost effective by using a winter fuel blend for only three months of the year. The only other bid submitted was Hill Petroleum. Commissioner Carlson made a motion to approve the M&M Cooperative bid of \$17,061.50. Commissioner Teague seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-ACCEPTANCE OF GRANT AWARD-DATA COLLECTIONS GRANT-MORGAN COUNTY AMBULANCE

Morgan County Paramedic Supervisor Joe King presented to the Board for approval a Data Collection Grant Contract. The grant would provide computer software and hardware that will make it possible for emergency personnel to enter data immediately on sight and obtain signatures electronically eliminating large amounts of paperwork. The present system being used is outdated and not rugged enough for field use. There will be five tough book tablet laptops installed in the ambulances. The grant amount is \$72,404.00 which is ninety percent State and ten percent County match. King noted there is a June 30, 2010 deadline for implementation. Finance Director Michelle Covelli noted that normally this type of grant would be a fifty-fifty match, however, because of the current financial need the match was a larger portion from the State. Commissioner Teague made a motion to approve the grant contract in the amount of \$72,404.00 and was seconded by Commissioner Carlson. Motion carried 3-0.

CONSIDERATION OF APPROVAL-PETITION FOR ABATEMENT OR REFUND OF TAXES-VERNON AND ELAINE WINDSHEIMER-SCHEDULE NO. R019904

Morgan County Assessor Bob Wooldridge presented to the Board a tax refund in the amount of \$1,235.80 for property owned by Vernon and Elaine Windsheimer. This property was originally assessed as vacant at twenty-nine percent with no out buildings, however, approximately nine months ago a modular home was moved on to the property making the assessed value at seven point nine six percent as residential not vacant. Commissioner Teague made a motion to approve the abatement amount of \$1,235.80. Commissioner Carlson seconded the motion. Motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Road Supervisor John Goodman reported on the roads in the three districts.

Commissioners reviewed the calendar with changes.

UNFINISHED BUSINESS

There was no unfinished business.

2 COMMISSIONERS PROCEEDING

CITIZENS COMMENT PERIOD

There were no citizen comments. The meeting was recessed at 9:23 a.m.

Respectfully submitted,

Janet Thomas
Deputy Clerk to the Board

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

Brian McCracken, Chairman

Tony L Carlson, Commissioner

(SEAL)
ATTEST:

Laura Teague, Commissioner

Connie Ingmire, Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS February 2, 2010 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, February 2, 2010 at 9:30 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners McCracken, Carlson, and Teague. Also present were Barbara Gorrell, Planning Administrator; Jody Meyer, Planning Assistant; Susan Bailey, Administrative Services Manager; and Andy Blake, Morgan County Building Official.

The hearing was called to order by Chairman Commissioner McCracken.

NEW BUSINESS:

Applicant: Suzanne K. Glazier

Landowner: Suzanne K. Glazier, Albert & Helen Bernhardt, Empire Dairy

Application for Replat of Minor Subdivision in the SE1/4NE1/4 of Section 23, Township 4 North, Range 60 West of the 6th P.M., and Lots 1 and 2 of the Bernhardt Minor Subdivision, aka 20523 and 20543 Highway 39, Wiggins, Colorado.

Chuck Glazier was present to represent this application.

Barb Gorrell presented the file, recommending approval, and noted the following:

The Bernhardt Minor Subdivision was approved in 2003 creating 2 lots, Lot 1 of 2.95 acres and Lot 2 of 1.96 acres.

The Glazier's and Bernhardt's are now requesting this replat to include a tree line along the northwest side of the subdivision in the lots. The adjoining parcel is owned by Empire Dairy. This replat will result in Lot 1 being 3.58 acres and Lot 2 2.89 acres.

Both lots have existing improvements. Utility and access information were not required.

Parcels are located within the Wiggins Fire Dist.

It is noted that this parcel cannot be further subdivided by any means for a period of 10 years from the date of final approval.

All appropriate notices, postings and publication requirements have been met. Property is zoned "A" Agriculture. Parcels are not in the floodplain. Taxes are current.

Barb Gorrell noted that the Planning Commission also recommended approval.

There was no one present to speak in favor of or in opposition to this application.

Commissioner Teague questioned the effective date of our regulation about "no further subdivision". Barb Gorrell said it would revert to when the first minor subdivision was approved, being in 2003.

It was moved by Commission Carlson and seconded by Commissioner Teague to approve this Application for Replat of Bernhardt Minor Subdivision located in the SE1/4NE1/4 of Section 23, Township 4 North, Range 60 West of the 6th P.M., and Lots 1 and 2 of the Bernhardt Minor Subdivision, aka 20523 and 20543 Highway 39, Wiggins, Colorado, becoming Resolution #2010BCC06. Motion carried 3-0.

COMMISSIONERS PROCEEDING 3

RESOLUTION

2010 BCC 06

A Resolution approving a replat of the Bernhardt Minor Subdivision located in the SE1/4NE1/4 of Section 23, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado.

WHEREAS, on February 2, 2010 the Board of County Commissioners of Morgan County, Colorado held a public hearing pursuant to the Morgan County Zoning and Subdivision Regulations, on the application of Suzanne K. Glazier, Albert & Helen Bernhardt and Empire Dairy for a replat of Lots 1 and 2 of the Bernhardt Minor Subdivision located in the SE1/4NE1/4 of Section 23, Township 4 North, Range 60 West of the 6th P.M., aka 20523 and 20543 Highway 39, Wiggins, Colorado, which results in Lot 1 increasing in size from 2.95 acres to 3.58 acres and Lot 2 increasing in size from 1.96 acres to 2.89 acres, and

WHEREAS, the notice of the public hearing was properly published and all other notice and posting requirements were properly made, and

WHEREAS, the Board of County Commissioners received testimony from the applicant, and

WHEREAS, the Board of County Commissioners received the testimony of the Morgan County Planning Administrator, and

WHEREAS, the Morgan County Planning Commission recommended approval of the application, and

WHEREAS, there was no public comment on the application,

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

1. The application of Suzanne K. Glazier, Albert & Helen Bernhardt and Empire Dairy for a replat of Lots 1 and 2 of the Bernhardt Minor Subdivision located in the SE1/4NE1/4 of Section 23, Township 4 North, Range 60 West of the 6th P.M., aka 20523 and 20543 Highway 39, Wiggins, Colorado, which results in Lot 1 increasing in size from 2.95 acres to 3.58 acres and Lot 2 increasing in size from 1.96 acres to 2.89 acres, is hereby granted.

2. The permit is in conformance with the Morgan County Comprehensive Plan, being zoned Agriculture (A).

3. All applicable design standards have been met. The County Commissioners retain continuing jurisdiction on the issue of design standards.

4. All on and off site impacts have been satisfactorily mitigated by the terms and conditions of this permit.

5. The replat is satisfactorily compatible with surrounding uses.

6. It is in the best interests of the public health, safety, and welfare to grant the application.

7. There is a public need for the project.

8. All past, present, and future drainage problems on the site are the responsibility of the landowners and their successors in interest and not that of Morgan County.

9. The applicants are required, as a condition of this permit, to furnish any purchaser or other successor in interest to any lot in this subdivision with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96 BCC 41 on July 23, 1996, and amended by Resolution 2008 BCC 34 on September 2, 2008 and the Receipt and Statement of Understanding of said policy. The Policy and Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchasers or other successors.

10. All information submitted by the landowners/applicants in the application is part of the approval of this subdivision replat.

11. The Board of County Commissioners retains continuing jurisdiction on this permit to address possible future problems with the site and to insure compliance with the conditions of this permit. The County also retains jurisdiction and the right and authority of County personnel to inspect the site at any reasonable time.

12. The applicant shall be responsible for complying with all of the foregoing requirements and conditions. Noncompliance with any of the foregoing may be reason for revocation of this permit by the Board of County Commissioners after notice to the landowners/applicants or their successors in interest and hearing.

DATED this 2nd Day of February, 2010.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

4 COMMISSIONERS PROCEEDING

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague

s/Tony Carlson
Tony Carlson

ATTEST:

(SEAL)

s/Connie Ingmire
Connie Ingmire, Clerk to the Board

Adoption of 2009 International Building, Residential, Mechanical, Fuel Gas, Energy Conservation and Plumbing Codes.

Andy Blake, Morgan County Building Official, reviewed his recommendations with the Board. Comments from the Board and public will be in () under that particular section.

Recommendations of the Building Official for 2009 International Residential Code adoption.

1. Adopt the 2009 International Residential Code with the following changes;
 - a. Amend Section R101 to read these provisions shall be known as the Morgan County Residential Code for One and Two Family Dwellings, and shall be cited as such and will be referred to herein as this "code".
 - b. Adopt Appendix E and F

Discussion: (Andy noted that appendix E deals with manufactured home installation, which was originally adopted by the Commissioners when they adopted the 2003 Codes; Appendix F deals with radon rating. Andy thought the radon rating system was important and installation was much easier to do up front at the start of construction rather than later. Morgan County is one of the higher areas for radon rating in the nation. Barb told the Commissioners that the Planning Commission did not recommend adoption of Appendix F.)

Delete Section R108.2 in its entirety and substitute as follows:

R108.2 Schedule of permit fees. On buildings, structures, mechanical and plumbing systems or alterations requiring a permit a fee for each permit shall be paid as determined by a schedule of fees adopted by motion by the Board of County Commissioners. The determination of value or valuation under any of the provisions of this Code shall be made by the building official.

Delete sections:

R105.2 (partial) deletes electrical from list of exemptions.

R313.2 One and two family dwellings automatic fire systems

R313.2.1 Design and Installation (partial) NFPA13D

Chapters – (electrical) - 34,35,36,37,38,39,40

Amend R105.1 Exception 1 delete 200 square feet replace with 120 square feet.

Discussion: (Andy said the reason for this amendment was to conform to the Morgan County Zoning Regulations which states permits are required for structures that are roofed and 120 sq. ft. or larger. Barb had concerns with areas like Jackson Lake Village and mobile home parks where the lot sizes are very small. She did not have a problem with going to 200 sq. ft. in other areas of the County.)

Amend section R315.1 to read for new construction, an approved carbon monoxide alarm shall be installed within 15 feet of the entrance to each bedroom in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

Add an exception R315.1.1 Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of the section.

Add an exception N1103.8.3 Pools deriving over 60 percent of the energy or heating from site – recovered energy or solar energy source.

COMMISSIONERS PROCEEDING 5

Discussion: (Andy said the only thing he looks for when a pool is being built is to make sure there is proper fencing placed around the pool. Barb did not think this regulation was needed and that is why it has been listed as an exception.)

Add R104.1.1 The Building Official and any appointed deputies shall have the duty of insuring that all construction related aspects of Morgan County Zoning Regulations and the Morgan County Subdivision Regulations and any conditions or permits or variances issued under those codes, including, but not limited to, setbacks, height restrictions, number of buildings per lot, flood plain regulations, mobile home tie downs, etc., are met.

Add R105.2 Work exempt from permit

Agriculture buildings as defined in Section R202 being constructed in Agriculture or Agri/Business Zones as indicated on official zoning map of Morgan County.

R202 Definitions:

Agriculture Building – A Structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of principal employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

Discussion: (Andy thought detached outbuildings should fall under the Building Codes mainly in subdivision areas. He said a lot of people are placing bathrooms and sometimes adding bedrooms to these outbuildings which they claim are Ag related. Commissioner Teague disagreed saying it would be difficult to differentiate the use of Ag buildings.)

Public Comment:

A lot of comments were addressing the proposed change of using the State Plumber versus having the Morgan County Building Official do the plumbing inspections.

Les Eurich, 916 Ram, Fort Morgan, owns Quad County Plumbing, stated he is a licensed master plumber, fire prevention installer, and licensed master contractor. If the Morgan County Building Inspector is going to become the plumbing inspector, Les thought that person should have the same credentials as he does. He is happy with the State Inspector. He is in favor of fire protection systems which can be installed with the plumbing and the owner can get financial help with insurance coverage. If the water pressure is low in the area, all a person needs to do is add a 300 gallon storage tank with a pump.

Monte White, Co Rd V, Fort Morgan, has as master's license in plumbing. He wanted to keep the State Inspector instead of moving it to the County level. He has no problem with Andy Blake doing inspections as long as he knows what he is doing.

Andy Blake clarified that the State Plumbing Inspector is not doing anything wrong; it was just an idea to help produce quicker inspections and lower costs for everyone if he could do plumbing inspections while taking care of other inspections.

Barb Gorrell noted that Andy Blake would not be allowed to do any inspections until he got his certification. At this point fees would stay the same for the first year and would be monitored. If this were to pass, she suggested an effective date of July 1st which would allow for workshops.

Commissioner McCracken said some valid points were made by those present regarding the plumbing inspections. If they are happy with the State Inspections, then maybe it should be left alone. Commissioner Teague agreed. Commissioner Teague would like to monitor the radon situation and said it was not a valid concern yet. She was also concerned with Morgan County Quality Water handling mandatory fire systems. Les Eurich said you just need a 300 gallon tank to help cover low pressure. Commissioner McCracken was opposed to making the fire systems mandatory. Commissioner Teague did not want to change the regulations for agriculture structures and Commissioner McCracken concurred. They felt the 120 sq ft. regulation was fine; to leave the carbon monoxide regulation alone and the swimming pool regulation was a nonissue.

It was moved by Commissioner Teague and seconded by Commissioner Carlson to table the Recommendations of the Building Official for 2009 International Residential Code adoption until a more specific Resolution is drafted covering the comments made today. Motion carried 3-0.

Recommendations of the Building Official for 2009 International Building Code adoption.

1. Adopt the 2009 International Building Code with the following changes;
 - a. Amend Section 101.1 to read these provisions shall be known as the Morgan County Building Code for One and Two Family Dwellings, and shall be cited as such and will be referred to herein as this "code".
 - b. Adopt Appendix B – Board of Appeals

Delete Section 109.2 in its entirety and substitute as follows:

109.2 Schedule of permit fees. On buildings, structures, mechanical and plumbing systems or alterations requiring a permit a fee for each permit shall be paid as determined by a schedule of fees adopted by motion by the Board of County Commissioners. The determination of value or valuation under any of the provisions of this Code shall be made by the building official.

6 COMMISSIONERS PROCEEDING

Delete sections:

101.4.4 Property Maintenance

101.4.5 Fire Prevention

105.2 (partial) deletes electrical from list of exemptions.

107.2.2 Fire Protection system shop drawings

Chapter 27 Electrical

B101.3.3, ability of appellant to postpone hearing if less than full board is present.

Add/ Amend Sections:

Add 104.1.1 The Building Official and any appointed deputies shall have the duty of insuring that all construction related aspects of Morgan County Zoning Regulations and the Morgan County Subdivision Regulations and any conditions or permits or variances issued under those codes, including, but not limited to, setbacks, height restrictions, number of buildings per lot, flood plain regulations, mobile home tie downs, etc., are met.

Add 105.2 Work exempt from permit

Agriculture buildings as defined in Section R202 being constructed in Agriculture or Agri/ Business Zones as indicated in official zoning map of Morgan County.

202 Definitions:

Agriculture Building – A Structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of principal employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

Add 3106.6 All Marquees shall conform to the Morgan County Sign Code (Appendix S, Morgan County Zoning Regulations.)

Add 3107.2 All signs shall conform to the Morgan County Sign Code (Appendix S, Morgan County Zoning Regulations.)

Delete B101.2.2 in its entirety and replace with – the Board of Appeals shall consist of five individuals who must be experienced in the building trades.

Delete B101.4 in its entirety and replace with – The Board's decision to uphold reverse, or modify a decision of the Building Official shall be by vote of a quorum majority of board members present at a hearing.

1612.3 – Establishment of flood hazard areas. "The Flood Insurance Study for Morgan County," dated September 29, 1989 and the floodplain overlay areas adopted by Morgan County.

Commissioner Comments: The concerns/additions/deletions of this Building Code are the same as those discussed in the Residential Codes.

It was moved by Commissioner Teague and seconded by Commissioner Carlson to table the Recommendations of the Building Official for 2009 International Building Code adoption until a more specific Resolution is drafted covering the comments made today. Motion carried 3-0.

Recommendations of the Building Official for 2009 International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, and International Plumbing Code adoption.

Adopt them as written.

There was discussion on which codes would be adopted, depending on the outcome of the Residential and Building Codes dealing mainly with plumbing and fire systems.

It was moved by Commissioner Teague and seconded by Commissioner Carlson to table the Recommendations of the Building Official for 2009 International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, and International Plumbing Code adoption until a more specific Resolution is drafted covering the comments made today. Motion carried 3-0.

There being no further business, the meeting was adjourned.

COMMISSIONERS PROCEEDING 7

Respectfully submitted,

Jody Meyer
Planning Assistant

MEETING RECONVENED:

The Board of County Commissioners reconvened at 11:15 am on February 2, 2010, in the Assembly Room of the Morgan County Administration Building. Present were Commissioners McCracken, Carlson, and Teague. Also present were Barbara Gorrell, Planning Administrator; Jody Meyer, Planning Assistant; Susan Bailey, Administrative Services Manager; and Andy Blake, Morgan County Building Official.

The hearing was called to order by Chairman Commissioner McCracken who said this hearing was reconvened to hear more public testimony on the proposed Adoption of 2009 Codes.

Andy Blake briefly reviewed the changes in the codes. Most comments were dealing with the Plumbing Inspections being done by the County Building Official or keeping it at the State level.

Those speaking were:

Allan Lapp of Lapp's Plumbing, 16255 Co Rd 18.5, Fort Morgan, Colorado, said it would be a lot handier if Andy Blake could handle the plumbing inspections. What is required in the Front Range is not always needed in rural communities.

John Staley of Bob Staley Plumbing, Heating & Air, 308 W. Railroad, Fort Morgan, said everyone is trying to uphold the same codes. There is a need for a community inspector instead of having several different inspectors and paying more money for reinspection fees. As long as a local person has common sense, he didn't think they would need to be licensed. Andy Blake said he would get his ICC Plumbing certificate and has already taken some training classes. John said he is OK with the 2009 Codes as long as you stick with the "International" Codes. He did not feel sprinklers were needed for residential home but were needed for commercial buildings. John wasn't aware of the radon levels in Morgan County, but testing should be done before they break ground.

Bob Staley of Bob Staley Plumbing, Heating & Air, 308 W. Railroad, Fort Morgan, said Andy Blake would make a good plumbing inspector. He thought the fire system would be very expensive to install.

Discussion was had regarding State law and local regulations.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer
Planning Assistant

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

Brian McCracken, Chairman

Tony L Carlson, Commissioner

Laura Teague, Commissioner

(SEAL)
ATTEST:

Connie Ingmire, Clerk to the Board
