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BOARD OF MORGAN COUNTY COMMISSIONERS

Minutes of Meeting
October 20, 2009

The Board of Morgan County Commissioners met on Tuesday, October 20, 2009 at 9:00 a.m. with Chairman Brian McCracken, Commissioner Tony Carlson and Commissioner Laura Teague in attendance. Chairman McCracken called the meeting to order with Building Maintenance Supervisor Dave Cornwell leading the meeting in the Pledge of Allegiance to the Flag.

CITIZEN'S COMMENT PERIOD

Chuck Miller was present and spoke about adopting coordination.

PLANNING ZONING PUBLIC HEARING

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, October 20, 2009 at 9:00 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; George Monsson, County Attorney; and Susan Bailey, Administrative Assistant to the Commissioners.

The hearing was called to order by Chairman Commissioner McCracken.

NEW BUSINESS:

APPLICANT: Coral Mendez

LANDOWNER: Anacleto & Coral Mendez

Application for variance to minimum rear yard setback located in Lot 2 of the Kissler Minor Subdivision, aka 21122 County Road 21, Fort Morgan.

Coral Mendez was present to represent this application.

Barb Gorrell presented the file and noted the following:

This application is the result of an enforcement action that began in April, 2008 when the landowners constructed a 20' x 30' horse stable without obtaining the proper permit. The permit application was later submitted and the landowner requested that they be contacted before the Building Inspector did the site inspection. After many attempts and unreturned phone calls the application was deemed expired in January, 2009. During this time a second structure was constructed.

In February, 2009 the landowners again submitted an application for a permit and the inspector was allowed to go on site to conduct a site inspection. During the site inspection it was discovered that the two structures were built with a rear yard setback of 13'. Our regulations require 20'. On March 2, 2009 I wrote the applicants and informed them of the setback infringement and that the buildings would need to be moved or a variance applied for giving them 30 days to comply. No response was received from this letter. County Attorney Monsson wrote the applicants on April 24, 2009 again requesting compliance. Mrs. Mendez did contact the Planning Dept. and stated that the small building would be removed and the larger building would be cut back to meet the setback. This was not done and the Planning Dept. again contacted the landowner in June requesting compliance.

Mrs. Mendez came into the Planning Dept., picked up an application for variance and again stated that the small building would be moved or permanently removed. Mrs. Mendez was given a deadline of June 26 to comply. On June 25th Mrs. Mendez contacted me requesting an extension until the August variance filing deadline which I granted.

Again this deadline was not met. Mr. Monsson was again requested to write to the landowners asking for compliance.

During the period between June and July the smaller building was removed. Mrs. Mendez submitted an application for a variance on August 24, 2009 questioning the measurement of the setback. Building Inspector, Andy Blake met Mrs. Mendez on site and determined that the 13' rear yard setback was the correct measurement.

Penalty fees were assessed on this application.

The applicant is now requesting a variance to the rear yard setback from 20' to 13'. The hardship given for the request is that the landowners had measured from an irrigation ditch that is located on the lots in the Riverside Ridge Planned Development which is east of the Mendez property line.

All appropriate notices, posting and publication requirements have been met. Property is zoned "A" Agriculture. Taxes are paid. Site is not in the floodplain.

Coral Mendez said she did not want to make any excuses. Her husband just misunderstood the permitting process.

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

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When asked her recommendation, Barb Gorrell said since there was no neighbor opposition, she would recommend approval of this variance.

In discussion Commissioner Carlson said this was a huge misunderstanding and he apologized to the applicant for all the rigmarole saying there ought to be a way that we can work smoother and more efficiently. He said the applicant did all she could do and it was our lack of communication to get the permit done in the first place. Because the applicant paid the penalty fee and no landowners objected to this setback we should just clean this up and go for it. Based on that it was moved by Commissioner Carlson and seconded by Commissioner Teague to approve this Application for Variance to minimum rear yard setback from 20' to 13' located in Lot 2 of the Kissler Minor Subdivision located in the SW1/4 of Section 15, Township 4 North, Range 57 West of the 6th P.M. Morgan County, aka 21122 County Road 21, Fort Morgan, Colorado, noting she has paid the fees and there are no landowner objections. Motion carried 3-0, becoming Resolution #2009BCC40.

Respectfully submitted,

Jody Meyer
Planning Assistant

RESOLUTION 2009 BCC 40

A RESOLUTION APPROVING A VARIANCE TO MINIMUM REAR YARD SETBACK LOCATED IN LOT 2 OF THE KISSLER MINOR SUBDIVISION

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, held properly noticed and published public hearings on October 20, 2009 on the application of Anacleto and Coral Mendez as applicants and landowners for a variance to minimum rear yard setback from 20' to 13' for construction of livestock shelter, located in Lot 2 of the Kissler Minor Subdivision located in the SW1/4 of Section 15, Township 4 North, Range 57 West of the 6th P.M., Morgan County, aka 21122 County Road 21, Fort Morgan, Colorado, and

WHEREAS, the Board of County Commissioners heard testimony from the applicant regarding the application in which she stated that the variance was necessary to prevent exceptional and undue hardship, and

WHEREAS, the Board of County Commissioners heard testimony from the Morgan County Planning Administrator who recommended approval of the application, and

WHEREAS, there was no public comment on this application.

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

1. The application of Anacleto and Coral Mendez as applicants and landowners for a variance to minimum rear yard setback from 20' to 13' for construction of livestock shelter, located in Lot 2 of the Kissler Minor Subdivision located in the SW1/4 of Section 15, Township 4 North, Range 57 West of the 6th P.M., Morgan County, aka 21122 County Road 21, Fort Morgan, Colorado, is hereby granted.
2. Any past, present, or future drainage problems on this property are the responsibility of the land owner and not that of Morgan County.

Dated this 20th day of October, 2009.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Brian McCracken
Brian McCracken, Chairman

s/ Tony Carlson
Tony Carlson

s/ Laura Teague
Laura Teague

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

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CONSENT AGENDA

The following items were on the Consent Agenda:

Consideration of Approval of Minutes dated October 13, 2009

Ratify Commissioner Tony Carlson's Signature on letter to Mr. Robert Streeter, Wildlife Commissioner, Colorado Division of Wildlife

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

Ratify Chairman Brian McCracken's Signature for Quarterly Financial Status Report of CDBG Housing Projects, S.A.R.A. House, for Paula Bragg

Ratify Chairman Brian McCracken's Signature for Morgan County Board of Human Services Financial Meeting Minutes dated September 14th, 2009

Commissioner Carlson made a motion to accept the minutes dated October 13, 2009 noting to amend the resolution to read BEM Industries will establish \$500,000.00 in capital improvements and not \$50,000.00 in capital improvements. Commissioner Teague seconded the motion noting the amendment. Motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT-2009 PMT 24-APPLICANT CITY OF FORT MORGAN TO TRENCH PARALLEL TO COUNTY ROAD 22 STARTING POINT 17473 COUNTY ROAD 22 FOR A DISTANCE OF EIGHT HUNDRED FEET TO EXTEND FOUR INCHES GAS MAIN TO SERVICE BROWNE & BROWNE PLANNED DEVELOPMENT

Administrative Services Manager Susan Bailey presented to the Board for approval the permit to trench parallel to County Road 22, Fort Morgan, CO starting point being 17473 County Road 22 for a distance of eight hundred feet to extend a four inch gas main to service the Browne & Browne planned development. Road Supervisor John Goodman has approved the permit and the fees are being waived because Commissioner Teague feels like we are getting utilities to the development to bring in more businesses. Commissioner Teague made a motion to approve the permit allowing the City of Fort Morgan to trench parallel to County Road 22 starting point being 17473 County Road 22 for a distance of eight hundred feet to extend the four inch gas main and authorize Chairman McCracken to sign Permit 2009 PMT 24. Commissioner Carlson seconded the motion. Motion carried 3-0

CONSIDERATION OF APPROVAL-CONTRACT-IRES-REAL ESTATE COMPUTER ACCESS

Morgan County Assessor Bob Wooldridge presented to the Board for approval a contract between Morgan County and IRES. The computer system will help the Assessor's office determine what part of the property is finished and see what has been sold. Wooldridge states, it will not save a lot of time but it will help them process the data quicker. The term of the contract will be for one year from signing. There will be four additional one year terms which shall automatically renew each year unless previously terminated by either party in writing at least thirty days prior to renewal date. The amount will be \$75.00 per person with up to nine users, which is a one time fee. Commissioner Carlson made a motion to accept the contract with IRES. The motion was seconded by Commissioner Teague. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-EAST MORGAN COUNTY HOSPITAL-BANNER HEALTH SYSTEMS-OCCUPATIONAL HEALTH SERVICES AGREEMENT

Human Resource Director Michelle Pape presented to the Board for approval the contract between Morgan County and East Morgan County Hospital Banner Health Systems. Pape stated that the term of the contract will run from October 11, 2009 through October 10, 2011. The fees will remain the same except for urinalysis screening which went from twenty dollars to thirty dollars. Commissioner Teague made a motion to approve the contract between Morgan County and East Morgan County Hospital Banner Health Systems and authorize Chairman McCracken to sign the contract. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-ENNOVATE CORPORATION-ENERGY SAVINGS PERFORMANCE CONTRACT

Project Coordinator Paul Engle presented to the Board for approval the contract with Ennovate Corporation. Engle stated that Ennovate did an energy audit to Morgan County buildings and found \$118,000.00 worth of energy savings. Ennovate Corporation has went through the proper channels and talked to County Attorney George Monsson and have satisfied every legal obligation. Ennovate will guarantee a certain amount of energy savings. All of the improvements and essentially those guaranteed energy savings will pay for all improvements that are within the contract. Morgan County's payback is over six point three years with a savings of approximately \$118,000.00 and Ennovate will guarantee \$94,000.00 of those savings. If the guarantee is not met every year Ennovate will pick up the remaining balance. Commissioner Teague made a motion to approve the contract with Ennovate Corporation for the term of one year with eleven renewals in the amount of \$752,667.00 and authorize Chairman McCracken to sign the contract. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL AND AWARD-COPIER PURCHASE FOR 2009

Information System Manager Karol Kopetzky presented to the Board for consideration and approval the purchase of four new copiers. The copiers will be for the County Clerk's Office, Ambulance Garage, Extension Office and Finance Department. The first bid is from Great Copier Service for a total of \$30,973.00. The second bid is from Xerox for a total of \$39,940.00. The last bid is from Canon for a total of \$35,627.00. Kopetzky stated that Great

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Copier Service gave us the lowest bid and a higher trade in for current copiers. Great Copier Service will also save Morgan County over \$4,000.00 per year in maintenance. Commissioner Carlson made a motion to accept the contract with Great Copier Service in the amount of \$30,973.00. Commissioner Teague seconded the motion. Motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioner Teague noted that the Lodging and Tourism panel met last week and not on October 20 as scheduled. Administrative Services Manager Susan Bailey stated that the Horizon Health Care meeting will be held Friday October 23, 2009 from 7:00 a.m. to 9:00 a.m. in the Eben Ezer Board Room.

Director of Communications Center Pam Monsees reported to the Board on Regional Trauma Advisory Committee grant funds. Monsees stated it is not actually grant funds but a county allotment for RETAC and received \$1800.00. The funds go to help the Ambulance Department with their Don't Text and Drive Campaign. The funds are derived from the one dollar that is attached to license plate fees and helps EMT throughout the State. Commissioner Carlson asked if all the money has been spent and Monsees stated that it has already been encumbered. Monsees noted it is a fund for injury prevention which at the beginning of the year they received approximately \$8000.00.

LIQUOR LICENSES

Public Hearing opened 9:41 a.m.

Chairman McCracken stated that District Court has revised the decision dated October 23, 2008 revoking the retail 3.2 liquor license to sell of James Deganhart doing business as AJ'S Corner Tavern located at 24213 Highway 39, Goodrich, CO. The order stipulated the County reinstate the liquor license following the decision of the District Court. Commissioner Carlson made a motion to reverse and reinstate his license based on the decision by the Court made on October 23, 2008. Commissioner Teague seconded the motion. Motion carried 3-0

Public Hearing Closed 9:44 a.m.

Chairman McCracken stated that James Deganhart has submitted an application for renewal for his 3.2 liquor license and paid all appropriate fees. The Sherriff's Office was unable to attend the meeting, however Chairman McCracken did reiterate that the bar checks would resume. Commissioner Teague made a motion to renew Mr. Deganhart's Retail 3.2 Liquor License and was seconded by Commissioner Carlson. Motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business. The meeting was recessed at 9:47 a.m.

Respectfully submitted,

Denise Gettman
Deputy Clerk to the Board