

# COMMISSIONERS PROCEEDING 1

## BOARD OF COUNTY COMMISSIONERS

### Minutes of Meeting

November 10, 2009

The Board of Morgan County Commissioners met on Tuesday, November 10, 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.

### CONSENT AGENDA

The following items were on the Consent Agenda:

Consideration of Approval of Minutes dated November 3, 2009

Ratification of Chairman McCracken's signature on Agreement between Morgan County and Ty Notestine dated November 4, 2009

Commissioner Carlson made a motion to remove the Ratification of Chairman McCracken's signature on the agreement between Morgan County and Ty Notestine. County Attorney George Monsson stated it can be deleted because circumstances have changed and the agreement is now void. Commissioner Carlson made a motion to accept the Agenda removing the Ratification agreement between Notestine and Morgan County. Commissioner Teague seconded the motion. Motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT-2009 PMT 28-XCEL ENERGY**

Road Supervisor John Goodman presented to the Board for approval Permit 2009 PMT 28 to trench across and parallel to County Road 27 on the east side for a distance of sixty feet. The starting point will be at the pole to the north of 19100 County Road 27, Brush, CO and ending at the driveway south of the pole. This will be to provide underground electric primary to serve a grain bin for Martin Ley east of 19100 County Road 27, Brush, CO. Road Supervisor John Goodman has approved the permit and the fee of \$56.00 has been paid. Commissioner Teague made a motion to approve Permit 2009 PMT 28 and authorize Chairman McCracken to sign the permit. Commissioner Carlson seconded the motion. Motion carried 3-0.

#### **CONSIDERATION OF APPROVAL-CONTRACT-FEDERAL GRANT AWARD FOR VOCA**

Under Sheriff Dave Martin presented to the Board for approval the contract between VOCA and Morgan County. Martin stated it is a federal grant for Victims of Crime Act. The funds will go to help victims of a violent crime and not property crimes. The grant provides counseling, treatments, funeral arrangement and also accompanies victims to court. The term of the contract will run from January 1, 2010 through December 31, 2010 in the amount of \$24,430.00. Commissioner Carlson made a motion to accept the contract between VOCA and Morgan County for the term of one year in the amount of \$24,430.00 and authorize Chairman McCracken to sign the contract. Commissioner Teague seconded the motion. Motion carried 3-0.

#### **CONSIDERATION OF APPROVAL-CONTRACT-CUMMINS ROCKY MOUNTAIN LLC**

Building Maintenance Supervisor Dave Cornwell presented to the Board for approval the contract between Cummins Rocky Mountain LLC and Morgan County. Cornwell stated it is an annual renewal to check the backup generator at the Justice Center and change the fluids annually. The amount of the contract will be for \$1,411.00 and run from November 1, 2009 through October 31, 2010. Commissioner Teague made a motion to accept the contract between Morgan County and Cummins Rocky Mountain LLC in the amount of \$1,411.00 and authorize Chairman McCracken to sign the contract. Commissioner Carlson seconded the motion. Motion carried 3-0.

### COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar with changes.

### UNFINISHED BUSINESS

#### **CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT 2009 PMT 26-APPLICANT TOWN OF WIGGINS-INSTALL WATER PIPELINE**

Road Supervisor John Goodman presented to the Board for approval Permit 2009 PMT 26 to install a water pipeline for the Town of Wiggins. Goodman stated they only need two permits, one for County Road R, Wiggins, CO and County Road 4, Wiggins, CO because the rest of the roads are state roads or highways and do not require permits. Goodman has signed off on the permit and the fees have been waived. Commissioner Teague made a motion to approve Permit 2009 PMT 26 and authorize Chairman McCracken to sign the permit. Commissioner Carlson seconded the motion. Motion carried 3-0.

#### **RATIFICATION OF CHAIRMAN MCCRACKEN AND COMMISSIONER CARLSON'S SIGNATURE ON SUPPORT LETTER TO COLORADO DEPARTMENT OF AGRICULTURE FOR FEASIBILITY STUDY FOR THE FORT MORGAN COMMUNITY DIGESTER.**

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Chairman McCracken reported he and Commissioner Carlson signed the support letter to the Colorado Department of Agriculture for the feasibility study for the Fort Morgan Community digester. Commissioner Teague excused herself due to conflict of interest. Commissioner Teague stated her company Teague Diversified has an interest in the digester study. Economic Development Director Kari Linker stated the project could take much of Morgan County's waste such as animal waste, manure and discharge from enterprises in the area and put it in an anaerobic digest system and turn it into methane gas. The ACRE Grant is through the Colorado Department of Agriculture. The funds are used to study the feasibility of the project to turn methane gas into natural gas and electricity. Commissioner Carlson made a motion to ratify Chairman McCracken and Commissioner Carlson to sign the letter. Chairman McCracken seconded the motion. Commissioner Teague abstained. Motion carried 2-0.

## CITIZEN'S COMMENT PERIOD

There were no comments.

Respectfully submitted,

Denise Gettman  
Deputy Clerk to the Board

Recess 9:21 a.m.

## **PLANNING ZONING PUBLIC HEARING**

### **MORGAN COUNTY BOARD OF COMMISSIONERS November 10, 2009 MINUTES**

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, November 10, 2009 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 Connie Ingmire, Clerk to the Board; Barbara Gorrell, Planning Administrator; George Monsson, County Attorney; and Susan Bailey, Administrative Services Manager.

The hearing was called to order by Chairman Commissioner McCracken.

#### **NEW BUSINESS:**

**Applicant: Steven Baer**

**Landowner: Baer Family Trust**

Application for Minor Subdivision to create 1 lot of 5.0 acres located in the SE1/4 of Section 14, Township 2 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, aka 9243 Highway 52, Wiggins, Colorado.

There was no one present to represent the application.

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

This application is being processed as a minor subdivision because the exemptions have been used.

The parcel has existing improvements, utilities and access.

Soils range from severe for cutbanks to acceptable.

Parcel is 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. Parcel is not in the floodplain. Taxes are paid.

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

It was moved by Commissioner Teague and seconded by Commissioner Carlson to approve this Application for Minor Subdivision (known as Baer Minor Subdivision) to create 1 lot of 5.0 acres located in the SE1/4 of Section 14, Township 2 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, aka 9243 Highway 52, Wiggins, Colorado. Motion carried 3-0, becoming Resolution #2009BCC 42.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer  
Planning Assistant

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## RESOLUTION 2009 BCC 42

### A Resolution Approving a Minor Subdivision located in the SE1/4 of Section 14, Township 2 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado.

**WHEREAS**, on November 10, 2009 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 Steven Baer as applicant and Baer Family Trust as landowner for a Minor Subdivision to create one lot, of 5.0 acres located in the SE1/4 of Section 14, Township 2 North, Range 60 West of the 6<sup>th</sup> P.M., located at 9243 Highway 52, Wiggins, Colorado, and known as Baer Minor Subdivision, and

**WHEREAS**, 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 Steven Baer as applicant and Baer Family Trust as landowner for a Minor Subdivision to create one lot, of 5.0 acres located in the SE1/4 of Section 14, Township 2 North, Range 60 West of the 6<sup>th</sup> P.M., located at 9243 Highway 52, Wiggins, Colorado, and known as Baer Minor Subdivision, is hereby granted.
2. The permit is in conformance with the Morgan County Comprehensive Plan, being zoned (A) Agriculture.
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 minor subdivision 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 applicants 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 96BCC41 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. Pursuant to the Morgan County Subdivision Regulations this property may not be further subdivided by any means for a period of ten (10) years from the date of the approval of this Resolution.
11. All information submitted by the applicants in their application is part of the approval of this subdivision and all terms, conditions, and information submitted shall be strictly adhered to.
12. 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.
13. The applicants 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 applicants or their successors in interest and hearing.

**DATED** this 10th day of November, 2009.

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

\_\_\_\_\_  
s/ Brian McCracken  
Brian McCracken, Chairman

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s/ Tony Carlson  
Tony Carlson

\_\_\_\_\_  
s/ Laura Teague  
Laura Teague

**ATTEST:**

(SEAL)

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s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

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