

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting January 30, 2018

The Board of Morgan County Commissioners met Tuesday, January 30, 2018 at 9:03 a.m. with Chairman Mark Arndt, Commissioner Laura Teague and Commissioner James Zwetzig in attendance. Chairman Arndt asked Morgan County Treasurer Bob Sagel to lead the meeting in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Commissioner Teague made a motion to adopt the agenda as presented, with Commissioner Zwetzig seconding the motion. Motion carried 3-0.

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of meetings minutes dated January 4, 2018
- Ratify the Board of County Commissioners approval of meetings minutes dated January 23, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 025, Tesfa M. Araya, provide interpreting/translation services, Term of Contract January 22, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 026, Front Range Roofing, repair justice center roof, Term of Contract January 23, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 027, MJ Garage Service, replace fleet opener, Term of Contract January 18, 2018 until completed
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 028, Douglas Chalk, Fort Morgan farm lease, Term of Contract January 1, 2018 through December 31, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 029, Wolfe Waste Removal, cardboard recycling rebate, Term of Contract January 1, 2018 through December 31, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 030, Rock Sol Consulting Group, engineering services County Road V, Term of Contract January 1, 2018 through December 31, 2018
- Ratify the Board of County Commissioners approval on 2018 CNT 031, Konica Minolta Business Solutions, copier service/ maintenance, Term of Contract January 1, 2018 through December 31, 2018
- Ratify the Board of County Commissioners approval on 2018 CNT 032, Abbey Environmental, judicial center air testing, Term of Contract January 4, 2018 until completed
- Ratify the Board of County Commissioners approval on 2018 CNT 033, Bob's Upholstery, repair driver side seat in unit #5503, Term of Contract January 23, 2018 until completed
- Ratify the Board of County Commissioners approval on 2018 CNT 034, Ehrlich Toyota East, replace windshields in unit #6427, Term of Contract January 23, 2018 until completed
- Ratify the Board of County Commissioners approval of the change order for contract 2017 CNT 136, West Safety Solutions Corp, cabling costs for Viper installation, in which the amount will be added to the original contract
- Ratify the Board of County Commissioners approval of the letter of support for the Middle South Platte River (MSPRA) application to the Bureau of Reclamation's WaterSMART Cooperative Watershed Management Program
- Ratify the Board of County Commissioners approval of waiver of fairground fees for East Morgan County Hospital Foundation
- Ratify the Chairman Mark Arndt's signature on Designation of Representative to County Health Pool for 2018
- Ratify Chairman Mark Arndt's signature on Colorado Parks and Wildlife Impact Assistance Grant Application for tax year 2017
- Ratify the Board of County Commissioners approval of transfer of debtors to the State Collections Agency, Ambulance clients #171870, #171710, #171784, #171907, #171478, #171848, #171929, #171737, #171740, #171777, #170747, #171372, #171645, #171713, #171261, #171912, #171878, #172006, #171610, #171755, #171964, #171860, #162187, #171749, #170842, #172042, #171989, #171586, #171879, #171752, #171679, #171283, #171803, #171347, #171345, #171248, #171364, #171611, #171726, #171877, #171743, #171445A, #171802, #171719, #171890, #171745A, #171813, #171751, #17195, #170581, #171191, #171079, #171876, #171918, #171892, #171944B, #171905, #171895, #171647, #171667, #171798, #170546, #171385, #171462, #171211, #171579, #171134A, #171706, #171662, #171796, #171583, #171646, #171732, #171788
- Ratify the Board of County Commissioners approval of removing the ambulance charge due to an error in the ambulance billing for client #172608

Commissioner Teague made a motion to approve all items 1-19 on the Consent Agenda as presented. Commissioner Zwetzig seconded the motion and motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RESOLUTION - 2018 BCC 10 – A Resolution appointing a Custodian of County funds

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

RESOLUTION NO. 2018 BCC 10

A RESOLUTION APPOINTING A CUSTODIAN OF COUNTY FUNDS PURSUANT TO § 30-10-708(1)

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WHEREAS, pursuant to C.R.S. § 30-10-708(1), for the purposes of investment of funds of the county as set forth in part 6 of article 75 of title 24, C.R.S., the Board of County Commissioners may appoint one or more custodians of the funds.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

1. Rhonda K. Staley, Deputy County Treasurer, is hereby appointed as a custodian of the funds of the county for purposes of investment of funds.

APPROVED this 30th day of January, 2018.

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

s/Mark A. Arndt
Mark A. Arndt, Chairman

s/Laura D. Teague
Laura D. Teague, Commissioner

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

(SEAL)
ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Morgan County Treasurer Bob Sagel presented to the Board for approval, Resolution 2018 BCC 10, A Resolution appointing a Custodian of County funds. Mr. Sagel stated that at the first of the year he appointed Rhonda Staley as his Deputy Treasurer, according to statute, Deputy Treasurer must be able to serve as Treasurer in the absent of the Treasurer. One of the duties that is presented is investing county funds, according to statute 30-10-708(1) County Commissioners may appoint one or more custodians of these funds for investment purposes and that is the reason for this resolution, to appoint Rhonda Staley as an additional custodian of the funds of the county for purposes of investments.

Commissioner Zwetzig asked if there is a background check required with the Deputy Treasurer or for the County Treasurer position. With Mr. Sagel responding with he does not believe so; however, there is a statute that asked for a bond of all elected officials and deputies, but that has been amended to where the county can purchase crime insurance coverage in lieu of the bond, and that is what Morgan County has.

Mr. Sagel stated that if the resolution was passed, the documents from each of the investment firms that they uses that relate to this resolution so that they can go ahead and make the changes to the County account as needed and the Chairman would be needed to sign documents with the County Clerk attesting them.

At this time, Mr. Sagel asked for approval of the resolution.

Commissioner Zwetzig made a motion to approve Resolution 2018 BCC 10, a resolution appointing a Custodian of County funds as presented by Morgan County Treasurer Bob Sagel and authorize the signatures of the cards as requested with Commissioner Teague seconding the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 03 – Wiggins Telephone Association

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 03, with Wiggins Telephone Association. Mr. Goodman stated this right of way permit is for trenching in the north right of way of County Road T.7 (Morgan County Segment 100), starting at the intersection of County Road 8 and County Road T.7 at an existing vault 3A3A7 trenching 510 feet east in the north right of way of County Road T.7 then north to the property line, for the purpose of installing new phone and fiber service to 8129 County Road T.7.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 03, with Wiggins Telephone Association as outlined in the narrative of the permit noting the fees in the amount of \$101.00 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 04 – Xcel Energy

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 04, with Xcel Energy. Mr. Goodman stated this right of way permit is to dig a hole in the south right of way of County Road N (Morgan County Road Segment 1050), starting at approximately 4,580 feet west from the intersection of County Road 21 and County Road N to dig a hole to cut and abandon gas service, for the purpose of abandoning by cap a gas line at 20100 County Road N.

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Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 04, with Xcel Energy as outlined in the narrative of the permit as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 05 – Sterling Energy Investment LLC

Morgan County Commissioner Zwetzig presented to the Board for approval, a Right of Way Permit 2018 PMT 05, with Sterling Energy Investment LLC. Commissioner Zwetzig stated that Mr. Goodman verified that this is correct, what has been added is the road segments. Commissioner Zwetzig explained that this permit is to bore across County Road DD (Morgan County Road Segment 200), bore across County Road 2 (Morgan County Road Segment 200), bore across County Road 4 (Morgan County Road Segment 2600), bore across County Road 8 (Morgan County Road Segment 1400), for the purpose of installing a 12" natural gas pipeline that was approved at a previous meeting. Commissioner Zwetzig stated that the amount is \$450.00 the fees that were paid was \$600 there will be a refund to the applicant.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 05, with Sterling Energy Investment LLC as outlined in the narrative of the permit as presented by Morgan County Commissioner Zwetzig and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated January 26, 2018 through February 6, 2018 with no changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT

There was no citizen comment provided.

PUBLIC HEARING

Empire Dairy, LLC

(Continuance from May 23, 2017)

Consideration of request for the vacation of County Road S from the west right of way of Morgan County Road 2 to the east right of way of State Highway 144 (also known as Morgan County Road 1).

Chairman Arndt called the hearing to order at 9:13 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner Laura Teague, Commissioner James Zwetzig and Jeff Parker County Attorney in attendance.

Chairman Arndt stated there was an email received from Kris Lenzini, 17528 County Road S Wiggins, CO which states her opposition of the road, and this is to be entered into the record.

At this time, Chairman Arndt opened the matter for public comment stating that if anyone has anything new that has not been presented at a previous hearing you may do so it will be limited to only the road vacation request. There will be a limit of five minutes per speaker, with the Board in agreeing to those limits.

Chairman Arndt opened public comment for anyone who would like to speak on behalf of this application.

Robert James, Attorney representing Empire Dairy LLC and Mr. Dennis, 324 E. Railroad Ave Suite 100 Fort Morgan, CO 80701, alongside him, Norm Dinis, Empire Dairy, 1473 County Road S Wiggins, CO 80654. Mr. James stated that this is a continuation from a previous hearing and wants to outline the reasoning behind Empire Dairy's request stating that this is a one mile stretch of road running behind the dairy with the vast majority of traffic being that of the dairy traffic, between 90%-99%, perhaps. It is essential to the operation of the dairy and since it is such a small portion of the road, he finds it hard to imagine the county having the man power or funds to make that a high priority maintained road. The dairy is stuck due to this portion being the only ingress for milk trucks that come to pick up deliveries, every day, no matter the weather. Empire Dairy is stuck with what can they do to maintain the road. With that being said the county has had some conversation with the applicant, Empire Dairy, about their ability to do so and the Dairy should not have to maintain the gravel road in its own, putting everyone in a difficult position.

Mr. James stated they want to come up with solutions that allow the ability for everyone to be as happy as they can be. Mr. James, referencing Ms. Lenzini's statement that the road will not be taken out and access will not be denied. The neighbors of the dairy, the Baessler's, will be getting a private drive, access to the places they conduct their hay and the dairy would be able to maintain their portion of the former right of away and school busses that come to the dairy office will still be able to pick up kids.

Mr. James stated that the ability to regulate traffic on that road can be important for a number of reasons even for the neighbors in regards to the vandalism and theft in the rural areas if there is restricted access on the road it will help.

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Mr. James then went on to explain alternate routes for this road, stating that there literally are State Highways: such as Highway 34 and Highway 144 also known as Morgan County Road 1 and meets with a very short distance of County Road 2.

Mr. James stated that one of the main concerns was if the County vacates roads, with the possibility down the line for redevelopment to occur, the county would be looking at the ability to repurchase that easement, to alleviate those concerns the dairy is willing to write up a clause, that will be approved by the County and County Attorney Jeff Parker, if Empire Dairy ever ceases to operate as a dairy or a CAFO, if its purpose is to no to be the concentrated animal feed operation then the dairy would as part of the sale agreement, would have a clause stating the county has the right to buy back that said easement for \$1.00 and if the neighbors did not want to sell back their private drive there would be easement on the back of the property. Mr. James stating that Empire Dairy is trying to come up with ways to take to care of the concerns of the County and the neighbors and for the dairy o operate at full function.

Chairman Arndt continued the public comment for anyone who would like to speak in opposition this application.

In opposition to the road vacation, Rena Baessler, 17223 County Road 2 Wiggins, CO 80654, gave her testimony based on her opinion and facts. Ms. Baessler stated that we are here today to discuss a vacation for a road which is already included in a USR permit, ten years ago. Ms. Baessler went on with her testimony explaining that through CORA requests it has been revealed, that the county Commissioners have met with Mr. Dinis on several occasions within the past 10 years. Empire Dairy is obligated to fulfill the agreement they entered with the county. In 2009, after the permit was granted the county spent \$130,000.00 on this portion of road under question.

Ms. Baessler stated that County Road S is the only thing that is restricting Empire Dairy to expand across their permitted footprint. Who is to say that once this road is vacated that they will not go beyond their footprint the County Commissioners showed lack of courage to up hold the conditions of the permit that has allowed empire dairy to operation under unrestricted. Ms Baessler wonders if there has any thought been given to the impact, more traffic on County Road S, will there be a guarantee that this road be paved, can I have assurance they cannot expand. Mr. Dinis needs to honor his agreement with the county, and the county needs to enforce said agreement. At this time, Ms. Baessler stated that she against the vacation of County Road S.

Monica Mika, representative for the Baessler's, Eaton, CO questioned that if the portion of the road from the hearing held on May 23, 2017 if that the same portion that is in question today, with County Attorney Jeff Parker stating it is the same area of road. Ms. Mika stated that the roadway under consideration is already part of the applicants USR and the board wants these separate, but she has a hard time separating the two. In Ms. Mika's opinion what is happening in Morgan County, lack of compliance, why would this not happen in surrounding areas. In most areas of Colorado there must be justification prior to approval, this road is owned by the citizens and it is the commissioner's job to take care of it. As a representative for the Baessler's, she asks that the county hold Empire Dairy to what they agreed to do. Ms. Mika has presented five questions and conditions to be entered into the record should the board agree to approve the vacation of County Road S to Empire Dairy.

Questions related to approval of the vacation of ROW on CR S.

Should the Board decide to move forward with an approval to this request we ask for the following questions to be answered and entered into the record for public review:

1. What is your understanding regarding specifically how this decision today impacts the standards and conditions of the current USR ?
2. Should the roadway be vacated is it your intent to allow the Dairy to expand its current practice beyond the boundaries of the approved USR? If so, please state how you are you going to ensure the Dairy (USR) stays within its current footprint, and if no what standards are you referencing allowing this expansion beyond a permitted USR Boundary?
3. How do you intend to ensure that further enforcement of the USR will be administered as several conditions are still unresolved?
4. Is it your current practice to allow USR's to expand in boundary and intensity, and if so by what standards?
5. What are you intending to do with the standards and conditions of the USR which will be impacted by this vacation? For example, as stated, traffic counts are required in the current USR for CR 2 and CR S. We would ask that prior to recording the resolution for this vacation these counts be conducted by independent consultants and funded by the dairy, with the counters placed in areas agreed to by the Dairy and the surrounding neighbors.

Should the Board decide to move forward with an approval to this request for vacation of CR S we ask for the following conditions to be met prior to recording the resolution:

1. We ask that traffic counts on CR 2 and CR S be conducted by independent consultants and paid for by the applicant on an annual basis and shared with the surrounding neighbors.
2. We ask you to require the applicant to adhere to the accesses approved and agreed to in the conditions of the USR.
3. We ask you to require the applicant to enter into a road improvements plan as it impacts the remainder of CR S and CR 2, and we ask you to attach fiscal penalties for lack of compliance.
4. We ask you to require the applicant to enter into a dust abatement plan as it pertains to changes in roadway, the current circulation patters, and potential impacts to the surrounding area.

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5. We ask you to require a drainage plan validating the current and any proposed changes on and off the site.

Ms. Mika stated that the primary function of the board is to make sure they do the same for everyone.

At this time, the matter moved to discussion and decision.

Commissioner Zwetzig asked County Attorney, Jeff Parker, what is the consideration to use for making a decision, with Mr. Parker stating that under statute there does not even need to be a public hearing, it has to be in the best interest of the county, public and the applicant. You don't land lock any piece of a property by vacating a right of way and generally you want to reserve the easements for existing utilities.

Commissioner Zwetzig made a motion to deny the vacation of County Road S from the west right of way of Morgan County Road 2 to the east right of way of State Highway 144 with Chairman Arndt seconding the motion and Commissioner Teague stated it is hard for her to separate the vacation request and the SUP, she does not see it as a road of public interest and whether the County is maintaining a gravel or a grant funded paved road it is using taxpayer dollars to maintain a road that serves two parties. Chairman Arndt stated that he tried to put himself in both positions and that he feels if they approve this permit it can cause damage to others. At this time the motion passed 2-1, with Commissioner Teague being the dissenting vote.

PLANNING PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:50a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner Laura Teague and Commissioner James Zwetzig in attendance. Also present was Morgan County Planning Director/Floodplain Administrator Pam Cherry and Jeff Parker County Attorney.

Amendments to the Morgan County Zoning Regulations

- 1. Proposed amendments to various sections of the Morgan County Zoning Regulations regarding the compliance with the Zoning Regulations prior to the submission of land use applications.**

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2018 BCC 08

A RESOLUTION AMENDING SECTIONS 2-245, 1-245 AND 6-130 OF THE MORGAN COUNTY ZONING REGULATIONS REGARDING COMPLIANCE WITH THE ZONING REGULATIONS PRIOR TO THE SUBMISSION OF LAND USE APPLICATIONS

WHEREAS, the Board of County Commissioners of Morgan County has adopted the Morgan County Zoning Regulations to protect the public health, safety and welfare;

WHEREAS, the Board of County Commissioners may make amendments to the Morgan County Zoning Regulations upon its own motion or upon petition of the Morgan County Planning Commission;

WHEREAS, the Board of County Commissioners has determined that it is proper to clarify what circumstances would prevent the County from accepting the submission of a land use application; and

WHEREAS, the Board of County Commissioners has complied with all relevant provisions of the Morgan County Zoning Regulations, as well as the requirements of C.R.S. § 30-28-116, for amending the Morgan County Zoning Regulations.

NOW THEREFORE BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

1. Section 2-425 of the Morgan County Zoning Regulations is hereby renumbered and amended to read as follows:

1-130 Compliance with Regulations

- (A) No application for a permit, rezoning or any other action requiring County approval under these regulations shall be accepted by the County if the property subject to the application is under an enforcement action.
- (B) If, prior to final action on any application, the subject property becomes the subject of an enforcement action under these regulations the application shall be held at the current level of review until the conclusion of the enforcement action.

2. Section 1-425 of the Morgan County Zoning Regulations is hereby amended to read as follows:

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1-425 **Enforcement Action:** A property shall be considered under an enforcement action upon the expiration of the time designated in the notice of violation, pursuant to C.R.S. §§ 30-28-124 and 30-28-124.5, to cure the violation, including any extension granted by the Planning Administrator.

3. Section 6-130 of the Morgan County Zoning Regulations is hereby amended to read as follows:

6-130 Payment of Property Taxes Required

No application for a permit, rezoning or any other action requiring County approval under these regulations shall be accepted by the County for any property which is delinquent or past due on the payment of property taxes. Taxes shall be considered delinquent if the County has not received payment by the set due date. The sale of a tax lien, pursuant to Colorado law, shall not cure a delinquency. This requirement may be waived by the Board of County Commissioners on the condition that adequate assurances and arrangements for the payment of overdue property taxes have been made.

APPROVED this 30th day of January, 2018.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Mark A. Arndt
Mark A. Arndt, Chairman

s/Laura D. Teague
Laura D. Teague, Commissioner

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Chairman Arndt asked Morgan County Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry stated that the purpose of this proposed amendment is to clarify the Morgan County Zoning Regulations as they relate to acceptance of land use applications when a property is not in compliance.

Ms. Cherry explained that currently, the regulations do not permit the Planning and Zoning department to accept a land use application if **any** property owned by the applicant is under an enforcement action. This amendment will allow for the acceptance of an application for property in compliance even though other properties owned by the same owner are not in compliance.

Ms. Cherry stated in addition, the definition of enforcement action is revised to reference state statute 30-28-124 and 30-28-124.5 (attached).

Ms. Cherry explained that currently, if property taxes are delinquent, an application will be processed, reviewed, etc, but the permit will not be issued. This amendment requires that property taxes be current, not in delinquent status, prior to the acceptance of a land use application. Section 6-130 is a clarification of what constitutes the payment of property taxes. A tax sale does not constitute tax payment as the County is still responsible for collecting taxes owed from the property owner.

Ms. Cherry stated that the Planning Commission considered this amendment at their January 8, 2018 meeting. There was a motion to recommend disapproval of the amendment which was not seconded. There was not another motion so this amendment will be considered without any sort of Planning Commission recommendation.

Ms. Cherry explained that the Planning Commission's discussion was related to increasing enforcement efforts, increasing fees to pay for enforcement and did not agree with the acceptance of a land use application is another property owned by the same person was in violation of land use regulations.

Commissioner Zwetzig asked County Attorney, Jeff Parker, to review with us the statute of what an enforcement is. With Mr. Parker stating it was an order of compliance that can escalate to a court order after 10 days of failure to contact the Planning and Zoning department.

Commissioner Zwetzig stating that if there is a violation in zoning they will be issued a letter and they have 10 days to respond and if they fail to respond they will not get a permit to build, the property can then be held up. Ms. Cherry stated we want to be able to work with the applicants and that isn't possible with these regulations that are set now.

Commissioner Teague stating that the purpose is to alleviate quitclaim deeds to another name that is still the same owner because the way it is written now, it can easily be put under a different name and it can be difficult to enforce. Commissioner Teague also addressed that the property taxes were not paid on the property.

Chairman Arndt stated that the intent of this resolution is it doesn't stop growth in continuant operation whether your parcel is under enforcement or not.

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At this time, Chairman Arndt opened the matter for public comment.

Monica Mika, Eaton CO, stated she has two questions containing, should a plat not be recorded in a certain amount of time, with Mr. Parker stating that this does not make a difference with an USR. Ms. Mika does not affect it, how do you determine that it is not compliant, with Mr. Parker stating you would have to look at the facts of this situation and staff would have to go through and figure if the applicants is not complaint. Ms. Mika stating that under section 2-492 compliance for regulations code some as been address at this time she read it aloud. Mr. Parker stated that is not a section under the current code with Ms. Mika possibly having an old number.

Commissioner Zwetzig stated he supports the clarification of the enforcement and taxes, but not item number 1 of the resolution.

Commissioner Teague questioned how you get around the name change, of the property under enforcement, with Commissioner Zwetzig explaining this resolution eliminates the loop hole of the name change, but also eliminates the leverage.

At this time, the matter moved to discussion and decision.

Commissioner Teague made a motion to approve Resolution 2018 BCC 08, a Resolution amending sections 2-245, 1-245 and 6-130 of the Morgan County Zoning Regulations regarding compliance with the zoning regulations prior to the submission of land use applications as presented by Morgan County Attorney Jeff Parker and Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry with Chairman Arndt seconding the motion. Commissioner Zwetzig is totally against this would like to amend section 1 and leave as is. At this time, the motion passed 2-1, with Commissioner Zwetzig being the dissenting vote.

2. Proposed amendments to various sections of the Morgan County Zoning Regulations concerning the a maximum height for fences within the commercial and industrial zone districts

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2018 BCC 09

A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS REGARDING THE MAXIMUM HEIGHT FOR FENCES WITHIN THE COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS

WHEREAS, the Board of County Commissioners of Morgan County has adopted the Morgan County Zoning Regulations to protect the public health, safety and welfare;

WHEREAS, the Board of County Commissioners may make amendments to the Morgan County Zoning Regulations upon its own motion or upon petition of the Morgan County Planning Commission;

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the County to amend the maximum fence height in the Commercial and Industrial Zone Districts; and

WHEREAS, the Board of County Commissioners has complied with all relevant provisions of the Morgan County Zoning Regulations, as well as the requirements of C.R.S. § 30-28-116, for amending the Morgan County Zoning Regulations.

NOW THEREFORE BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

1. Table 1 of Appendix B of the Morgan County Zoning Regulations is hereby amended as follows:
 - a. The maximum fence height in the C and LI zones shall be eight (8) feet, regardless of the location of the fence.
 - b. Footnote "c" shall be removed from Table 1 in its entirety.

APPROVED this 30th day of January, 2018.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Mark A. Arndt
Mark A. Arndt, Chairman

s/Laura D. Teague
Laura D. Teague, Commissioner

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

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(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Chairman Arndt asked Morgan County Attorney Jeff Parker to present the file at which time Mr. Parker stated

Chairman Arndt asked Morgan County Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry stated the purpose of this proposed amendment is to increase the permitted fence heights in the commercial and industrial zone districts as listed in Table 1 of Appendix B. Currently the maximum fence height in all zone districts is six feet. This resolution increases the maximum fence height to eight feet in the Light Industrial and Commercial zone districts. The resolution also deletes footnote "c." from Table 1 of Appendix B, in its entirety. Footnote "c" reads "front yard fence height must be maintained to front setback line in side yard areas."

Planning Commission considered this amendment on January 8, 2018 and received unanimous recommendation for approval.

Commissioner Zwetzig inquired that with the increase in the height will there have to be engineers approval, according to the building code with Ms. Cherry stating no there is not and the fence with mostly be chain link fence. Commissioner Zwetzig stating he understands that but it is not stating chain link in the resolution. Ms. Cherry stated that this just is for commercial and industrial districts.

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

At this time, the matter moved to discussion and decision.

Commissioner Teague made a motion to approve Resolution 2018 BCC 09, a Resolution amending the Morgan County Zoning Regulations regarding the maximum height for fences within the commercial and industrial zone districts as presented by Morgan County Attorney Jeff Parker and Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry with Commissioner Zwetzig seconding the motion. At this time, the motion carried 3-0.

Being no further business the meeting was then adjourned at 10:18 a.m..

Respectfully Submitted,
Ranee Aleman
Deputy Clerk to the Board

(Minutes ratified February 6, 2018)

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

s/Mark A. Arndt
Mark A. Arndt, Chairman

s/Laura D. Teague
Laura D. Teague, Commissioner

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey