

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting April 4, 2017

The Board of Morgan County Commissioners met on Tuesday, April 4, 2017 at 9:00 a.m. with Chairman James Zwetzig, Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Chairman James Zwetzig called the meeting to order and asked Undersheriff Dave Martin to lead the meeting in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

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

CONSENT AGENDA

Ratify the Board of County Commissioners approval of meeting minutes dated March 28, 2017

Ratify the Board of County Commissioners signatures on the letter addressed to FEMA requesting the areas that have been delineated as floodway on the preliminary maps remain in the Special Flood Hazard Area, the 100-year floodplain signed on March 29, 2017

Ratify the Board of County Commissioners approval on the USDA Rural Development Intergovernmental Review Consultation form for Morgan County Economic Development Corporation dated on March 29, 2017

Ratify Chairman Jim Zwetzig's signature on the Special Waste Acceptance application for Nestor Excavation Inc signed on March 24, 2017

Ratify Chairman Jim Zwetzig's signature on the Special Waste Acceptance application for Cecilio Cardenas signed on March 24, 2017

Ratify Chairman Jim Zwetzig's signature on the Records Management Approval Request Form signed on March 31, 2017

Ratify Chairman Jim Zwetzig's approval of the Veterans Affairs report for the month March 2017

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

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – BID AWARD – RFP 2017-0323-001 – AWD Motor Grader

Morgan County Public Works Bruce Bass presented to the Board for approval Bid Award RFP 2017-0323-001 AWD Motor Grader. Mr. Bass stated this is an approved budgeted item for the 2017 calendar year, whereas the budget allowed for the purchase of two replacement graders. Mr. Bass stated he received two bids from 4 Rivers Equipment and Wagner Equipment Co. and Mr. Bass summarized the individual bid amounts. He indicated he would be basing the total end price utilizing the seven year buyback information provided in the bid and further indicated his information reflects the accumulated costs per hour and the depreciation costs. Mr. Bass indicated the cost per hour for 4 Rivers Equipment is \$68.13 and Wagner Equipment being at \$41.58 per hour. At this time Mr. Bass recommended that the Board award bid 2017-0323-001 to Wagner Equipment Company and offer the two machines as trade, indicating the year of each machine and the number of hours on each machine.

Commissioner Teague asked about this being outside of the original scope of buyback time frame as it was normally five years, with Mr. Bass stating this is a seven year cycle and the County is close to being finished with this seven years, and it has worked fine to move toward the seven year buyback option versus the five year buy back.

Commissioner Teague made a motion to approve bid award RFP 2017-0323-001 AWD Motor Grader to Wagner Equipment Company for two motor graders as outlined by Mr. Bass in the cash amount of \$403,165.00 as recommended by Morgan County Public Works Bruce Bass. Commissioner Arndt seconded the motion and the motion carried 3-0.

Consideration of Approval – BID AWARD – RFP 2017-0323-002 – Motor Grader Mounted Roller/Packer

Morgan County Public Works Bruce Bass presented to the Board for approval Bid Award RFP 2017-0323-002 Motor Grader Mounted Roller/Packer. Mr. Bass stated these are budgeted items for the 2017 calendar year and indicated these five units being budgeted will complete the purchase for each of the motor graders in the County. Mr. Bass stated he received three bids from Power Equipment Company, Wagner Equipment Company and Honnen Equipment and Mr. Bass explained each item specified as well as each bid amount. At this time Mr. Bass recommended that the Board award bid 2017-0323-002 for the walk and roll unit, which is the same unit that has been purchased in the past stating they are durable units and the repairs on these units have been very minimal, overall very durable machines and believes the slight difference in price is worth it. He recommended the bid be awarded to Honnen Equipment for five walk and roll units in the total amount of \$97,843.00.

Discussion followed regarding the handy hitch versus the quick hitch assembly with the quick hitch better suiting the County's needs. Mr. Bass replied to questions asked about repair issues for wheel bearings and hubs as well as any other issues with Mr. Bass stating the machines they currently have in operations have been very durable and is hopeful these will last long term.

Commissioner Arndt made a motion to approve bid award RFP 2017-0323-002 Motor Grader Mounted Roller/Packer to Honnen Equipment in the amount of \$97,843.00 as recommended by Morgan County Public Works

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Bruce Bass and asked that the Administrative Services Manager prepare the necessary contract. Commissioner Teague seconded the motion the motion carried 3-0.

Chairman Zwetzig asked Mr. Bass if the County has past experience working with this vendor, with Mr. Bass stating Honnen Equipment is not one that the County has used a lot, but indicated they are a good company to work with given the times the County has worked with them.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated March 31, 2017 through April 11, 2017 with changes.

UNFINISHED BUSINESS

Consideration of Approval – RESOLUTION - 2017 BCC 09 – A Resolution approving a variance to minimum front setback located in the SW1/4 of the Section 15, Township 6 North, Range 60 West of the 6th P.M., Morgan County, Colorado 80649

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2017 BCC 09

A RESOLUTION APPROVING A VARIANCE FROM MINIMUM FRONT SETBACK FOR PROPERTY LOCATED IN THE SW¼ OF THE SECTION 15, TOWNSHIP 6 NORTH, RANGE 60 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Patricia and Donald Wickstrom (the “Owners”) own property located in the SW ¼, Section 15, Township 6 North, Range 60W, Morgan County, with the address of 33176 County Road 3, Orchard, Colorado 80649;

WHEREAS, Wickstrom, Inc. (the “Applicant”), on behalf of the Owners, filed an application for a variance from the minimum front yard setback, as set forth in Table 1 of Appendix B of Morgan County Zoning Regulations (“Zoning Regulations”), requested a reduction in the required front yard setback from thirty (30) feet to no setback;

WHEREAS, on March 21, 2017, the Board of County Commissioners of Morgan County, Colorado, held a properly noticed public hearing on the application; and

WHEREAS, the Board of County Commissioners, after taking staff and public testimony and reviewing the material provided to it, desires to conditionally approve the variance application.

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

1. The Board of County Commissioners, having reviewed the application, all information provided, testimony heard and the criteria for a variance as set forth in Sec. 5-220 of the Zoning Regulations find that:
 - a. The hardship suffered by the Owners was not the result of any actions by the Owners or the Applicant. The only appropriate location for a grain bin is the portion of the property located within the required setback. Further, granting the variance will prevent the Applicant from having to relocate their business.
 - b. The requested variance is not detrimental to the public good. The variance is necessary for the owners to expand the business operated on the property. In addition, existing grain bins on the property have been permitted within the required setbacks.
 - c. The requested variance is not contrary to the purpose and intent of the Zoning Regulations.
 - d. The requested variance does not result in a nonconforming use on the property.
2. The Board of County Commissioners hereby approves the variance.

Dated this 4th day of April, 2017

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

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

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

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s/ Mark A. Arndt

Mark A. Arndt, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey

Susan L. Bailey

Morgan County Planning Director/Floodplain Administrator Pam Cherry presented to the Board for approval, Resolution 2017 BCC 09, a Resolution approving a variance to minimum front setback located in the SW1/4 of the Section 15, Township 6 North, Range 60 West of the 6th P.M., Morgan County, Colorado 80649. Ms. Cherry stated these resolution matters have been heard by both the Planning Commission as well as the Board of County Commissioners, at a hearing scheduled on March 21, 2017 and further asked the Board if they required reading aloud of each resolution with the Board stating it would not be necessary. At this time, Ms. Cherry recommended the Board approve all four resolutions on the agenda today with Chairman Zwetzig stating the Board would take her recommendation in consideration and act upon each matter separately.

Commissioner Teague made a motion to approve Resolution 2017 BCC 09, a Resolution approving a variance to minimum front setback located in the SW1/4 of the Section 15, Township 6 North, Range 60 West of the 6th P.M., Morgan County, Colorado 80649 presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry. Commissioner Arndt seconded the motion, and at this time motion carried 3-0.

Consideration of Approval – RESOLUTION - 2017 BCC 10 – A Resolution approving a variance from the minimum front yard setback for property located in the Jackson Lake RV Park Subdivision, Lots 100 and 101, Morgan County, Colorado

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2017 BCC 10

A RESOLUTION APPROVING A VARIANCE FROM THE MINIMUM FRONT YARD SETBACK FOR PROPERTY LOCATED IN THE JACKSON LAKE RV PARK SUBDIVISION, LOTS 100 AND 101, MORGAN COUNTY, COLORADO

WHEREAS, Gene and Eva Alloway (the “Owners”) own property located in Jackson Lake RV Park Subdivision, Lots 100 and 100 with the address of 101 Cherokee Road and 25402 County Road 3, Lots 100 and 101, Weldona, CO 80653;

WHEREAS, the Owners filed an application for a variance from the minimum front yard setback, as set forth in Table 1 of Appendix B of the Morgan County Zoning Regulations (“Zoning Regulations”), requested a reduction in the required front yard setback from twenty-five (25) feet to ten (10) feet for the placement of a two-story garage;

WHEREAS, on March 21, 2017 the Board of County Commissioners of Morgan County, Colorado held a properly noticed public hearing on the application; and

WHEREAS, the Board of County Commissioners after taking staff and public testimony and reviewing the material provided to it, desires to approve the variance application.

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

1. The Board of County Commissioners, having reviewed the application, all information provided, testimony heard and the criteria for a variance as set forth in Sec 5-220 of the Zoning Regulations finds that:
 - a. The hardship suffered by the Owners was not the result of any actions by the Owners. The only location available for the garage is in the required setback. Further, granting the variance will prevent the Applicants from having to relocate.
 - b. The requested variance is not detrimental to the public good. The variance is necessary for the Owners to have off street parking and storage on the property. In addition, there are many properties within Jackson Lake RV Park Subdivision with similar setback variances.
 - c. The requested variance is not contrary to the purpose and intent of the Zoning Regulations.
 - d. The requested variance is necessary because the wedge shaped small lots in the subdivision result in limited area for improvements.

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2. The Board of County Commissioners hereby approves the variance.

Dated this 4th day of April, 2017

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

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Commissioner Arndt made a motion to approve Resolution 2017 BCC 10 – A Resolution approving a variance from the minimum front yard setback for property located in the Jackson Lake RV Park Subdivision, Lots 100 and 101, Morgan County, Colorado presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry. Commissioner Teague seconded the motion, and at this time motion carried 3-0.

Consideration of Approval – RESOLUTION - 2017 BCC 11 – A Resolution approving a variance from the minimum rear yard setback and the minimum side yard setback located in the Jackson Lake RV Park Subdivision, Lots 341 and 342, Morgan County, Colorado

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

**RESOLUTION
2017 BCC 11**

**A RESOLUTION APPROVING A VARIANCE FROM THE MINIMUM REAR YARD SETBACK AND
THE MINIMUM SIDE YARD SETBACK LOCATED IN THE JACKSON LAKE RV PARK
SUBDIVISION, LOTS 341 AND 342, MORGAN COUNTY, COLORADO**

WHEREAS, Stan and Gale Friesen (the “Owners”) own property located in Jackson Lake RV Park Subdivision Lots 341 and 342 with the address of 101 Sioux Circle and 25402 County Road 3, Lots 341 and 342, Weldona, CO 80653;

WHEREAS, the Owners filed an application for a variance from the minimum rear yard setback from twenty (20) feet to fifteen (15) feet and the required side yard setback from seven and a half (7.5) feet to five feet-three inches (5’3”) for the placement of an attached two-story shed and a carport; and

WHEREAS, on March 21, 2017 the Board of County Commissioners of Morgan County, Colorado held a properly noticed public hearing on the application; and heard testimony from Stan Friesen, applicant’s representative, stating that the variance is necessary to provide parking and storage on their property; and

WHEREAS, the Board of County Commissioners after taking staff and public testimony and reviewing the material provided to it, desires to approve the variance application.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MORGAN COUNTY, COLORADO, as follows:**

3. The Board of County Commissioners, having reviewed the application, all information provided, testimony heard and the criteria for a variance as set forth in Sec 5-220 of the Zoning Regulations finds that:

e. The hardship suffered by the Owners was not the result of any actions by the Owners. The only locations available for the shed and carport are in the required setbacks. Further, granting the variance will prevent the Applicants from having to relocate.

f. The requested variance is not detrimental to the public good. The variance is necessary for the Owners to have off street parking and storage on the property. In addition, there are many properties within Jackson Lake RV Park Subdivision with similar setback variances.

g. The requested variance is not contrary to the purpose and intent of the Zoning Regulations.

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h. The requested variance is necessary because the wedge shaped small lots in the subdivision result in limited area for improvements.

4. The Board of County Commissioners hereby approves the variance.

Dated this 4th day of April, 2017

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

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Commissioner Teague made a motion to approve Resolution 2017 BCC 11, A Resolution approving a variance from the minimum rear yard setback and the minimum side yard setback located in the Jackson Lake RV Park Subdivision, Lots 341 and 342, Morgan County, Colorado presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry. Commissioner Arndt seconded the motion, and at this time motion carried 3-0.

Consideration of Approval – RESOLUTION - 2017 BCC 12 – A Resolution approving a variance from the minimum side yard setback for property located in the Jackson Lake RV Park Subdivision, Lots 239 and 240, Morgan County, Colorado

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

**RESOLUTION
2017 BCC 12**

**A RESOLUTION APPROVING A VARIANCE FROM THE MINIMUM SIDE YARD SETBACK FOR
PROPERTY LOCATED IN THE JACKSON LAKE RV PARK SUBDIVISION,
LOTS 239 AND 240, MORGAN COUNTY, COLORADO**

WHEREAS, Robert and Vanessa Worthman (the “Owners”) own property located in Jackson Lake RV Park Subdivision Lots 239 and 240 with the address of 240 Pueblo Circle and 25402 County road 3, Lots 239 and 240, Weldona, CO 80653;

WHEREAS, the Owners filed an application for a variance from the minimum side yard setback as set forth in Table 1 of Appendix B of the Morgan County Zoning Regulations (“Zoning Regulations”), requested a reduction in the required side yard setback from seven and a half (7.5) feet to three feet four inches (3’4”) and a reduction in the minimum front yard setback of twenty-five (25) feet to eight (8) feet for the placement of a eighteen (18) foot by twenty-five (25) foot carport; and

WHEREAS, on March 21, 2017 the Board of County Commissioners of Morgan County, Colorado held a properly noticed public hearing on the application; and

WHEREAS, the Board of County Commissioners after taking staff and public testimony and reviewing the material provided to it, desires to approve the variance application.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MORGAN COUNTY, COLORADO, as follows:**

5. The Board of County Commissioners, having reviewed the application, all information provided, testimony heard and the criteria for a variance as set forth in Sec 5-220 of the Zoning Regulations finds that:

i. The hardship suffered by the Owners was not the result of any actions by the Owners. The only location available for the carport is in the required setbacks. Further, granting the variance will prevent the Applicants from having to relocate.

j. The requested variance is not detrimental to the public good. The variance is necessary for the Owners to have off street parking on the property that will provide protection from storms. In addition, there are many properties within Jackson Lake RV Park Subdivision with similar setback variances.

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k. The requested variance is not contrary to the purpose and intent of the Zoning Regulations.

l. The requested variance is necessary because the wedge shaped small lots in the subdivision result in limited area for improvements.

6. The Board of County Commissioners hereby approves the variance.

Dated this 4th day of April, 2017

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Commissioner Arndt made a motion to approve Resolution 2017 BCC 12, A Resolution approving a variance from the minimum side yard setback for property located in the Jackson Lake RV Park Subdivision, Lots 239 and 240, Morgan County, Colorado presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry. Commissioner Teague seconded the motion, and at this time motion carried 3-0.

Ms. Cherry stated there is a meeting scheduled between the landowners of Jackson Lake and her staff this Saturday to discuss the issues regarding the setbacks and further stated the owners are aware of zoning regulations they need to be in compliance with. Chairman Zwetzig asked about the moratorium, with Ms. Cherry stated she has not prepared one as of yet as she was under the impression the Board wanted to wait and take a look at the matter before doing so.

CITIZEN'S COMMENT

There was no citizen's comment.

LIQUOR LICENSES

At this time, the Board of County Commissioners convened as the Morgan County Liquor License Authority in the matters of:

Retail Liquor or 3.2 Beer License Renewal Application – Liquor Store (County) Licensee: Stephen E. Eby and Betty J. Eby dba East Platte Avenue Liquors Operating Manager: Stephen Eby

Morgan County Clerk and Recorder Susan Bailey presented to the Board a Retail Liquor or 3.2 Beer License Renewal Application submitted by Stephen E. Eby and Betty J. Eby dba East Platte Avenue Liquors for a 3.2 Beer Liquor Store (county) license. Ms. Bailey stated that she has received the necessary documents and all fees have been submitted. Ms. Bailey also indicated that the liquor and wine tasting application has been submitted and this business has been in full compliance with their license recommending approval of the renewal. She asked the Morgan County Sheriff's Department to report at which time Undersheriff Dave Martin indicated he had nothing to report.

Chairman Zwetzig opened the matter for public comment at which time no comment followed.

A motion was made by Commissioner Teague to approve the liquor license renewal for Stephen E. Eby and Betty J. Eby dba East Platte Avenue Liquors Stand and authorized the Chair to sign noting the fees are attached. Commissioner Arndt seconded the motion and motion carried 3-0.

At this time, the Board recessed until moving into the Public Hearing matters on the agenda as follows:

PUBLIC HEARING

Application for Exemption from Subdivision of 5.0 acres located in the SE1/4 of Section 24, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado. The property will be known as 05971 County Road H, Wiggins, Colorado 80654

Chairman Zwetzig called the hearing to order at 9:38 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman James Zwetzig, Commissioner Laura Teague and Commissioner

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Mark Arndt in attendance. Also present were Pam Cherry, Planning Administrator, and Muriel Guzman, representing applicant Craig Gerhard Potthoff.

APPLICANT: Craig Gerhard Potthoff.

LANDOWNERS: Craig Gerhard Potthoff

Planning Administrator Pam Cherry presented the file stating this is an Application for an Exemption from Subdivision of 5.0 acres located in the SE1/4 of Section 25, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado. The property will be known as: 05971 County Road H, Wiggins, Colorado 80654.

Ms. Cherry stated that Craig Gerhard Potthoff is applicant and landowner and is requesting this Exemption from Subdivision to create a parcel to sell as a home site. Contract is included in the file, however, the contract which has been submitted with the application has since been withdrawn.

Ms. Cherry explained the file contains a will serve letter from the Northeast Colorado Health Department for the proposed onsite waste water disposal system. The proposed parcel is served by Morgan County Quality Water District Tap #2814. Access to the property is from County Road H, a semi-circle driveway will not be allowed.

She stated the soils on the parcel are listed as BvA; not limited for construction purposes. All appropriate notices have been completed. Subject property is zoned "A" Agriculture Production Zone, and is presently vacant. Site is not in the floodplain. Subject property is located within the Wiggins Rural Fire District. Taxes are current.

Ms Cherry explained the objections to the exemption have been received from three property owners in the notification area. Two of the owner's objections included drainage issues and property values, the third objection did not specify a reason.

Ms. Cherry's Evaluation outlined as follows:

Chapter 9 - Subdivision Exemption Regulations

9-145 - Natural Hazards Area

In areas determined to have significant flood, fire, geological or other natural hazards, the Planning Commission and the Board of County Commissioners may, in the interest of public safety, require applicants to submit for review, plans to eliminate or reduced hazards to a reasonable level. Such plans may include, but are not limited to engineering designs, fuel modification emergency water systems etc.

The exempted property has drainage issues that were documented by two objecting parties. There is Google imagery included with the packet that shows a significant ponding on the southeast corner on the five acres to be exempted and appears it may be 30-40% of the five-acre site. Consider a reconfiguration of the 5-acres so drainage issues do not impact as much of the site.

9-157 - The Morgan County Planning Administrator may approve an exemption if the criteria of Section 9-180 are met.

Section 9-180(F) - All areas of the proposal which may involve soil or topographical conditions presenting hazards or requiring special precautions shall be identified by the applicant and the proposed use of these areas shall be found to be compatible with such conditions.

Section 9-180(L) The applicant must demonstrate that there is a present need for such exemption. Exhibit "O" narrative is to provide a proposal summary addressing need, purpose and reasons for the request. The narrative states: "This five acre parcel is to be created for the purpose of providing a home site for the Danley family."

The application must include:

Exhibit "L" - Plat map must show the designated 40 acre parcel the Exemption is being taken from. The plat map provided does not meet the requirement as it does not show the 40 acres from which the 5 acres is being exempted. Chairman Zwetzig asked that this map be attached to the record and be a part of the application.

At this time Ms. Cherry stated her recommendation for approval subject to conditions:

1. This exemption is the only one permitted on this 40-acre parcel.
2. Plat map should be revised to show the 40-acre boundary with the 5-acre exemption shown with distances and bearings.
3. Reconfiguration of the 5-acres

Commissioner Arndt asked about the map not indicating the parcel which is being pulled out of the designated acreage, with Ms. Cherry explaining the actual legal description, with the decision that a smaller designated scale of the plat map be developed. Commissioner Teague stated an additional smaller scale map is needed showing the designated 40 acres. Ms. Cherry stated a map can be prepared showing all that.

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Chairman Zwetzig asked how the Board is to consider an application without knowing what section is being exempted with review of the file taking place and the exhibit that is included in the board's packet which indicates the full 160 acre section and the actual 40 acres which is being proposed to be exempted.

Ms. Cherry further explained there have been exhibits of the area provided and Ms. Laurie Cromwell, Planning and Zoning administrative assistant, submitted to the Board the map Ms. Cherry referenced.

Ms. Cherry outlined the Planning Commission to make the recommendation for approval of this exemption with no opposition, 6-0. Discussion followed with Ms. Jody Meyer, Planning and Zoning Administrative Assistant, stating one board member had asked to recuse himself from the planning commission hearing process.

Chairman Zwetzig asked that the Planning Administrator to indicate a legal description of the 40 acres being exempted in the future.

At this time, Muriel Guzman, representing the applicant, Craig Gerhard Potthoff, stated she has nothing further to add at this time.

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

At this time, Chairman Zwetzig closed the public hearing and moved to discussion and decision. Chairman Zwetzig further asked to hear any written or verbal comments from the Planning Commission hearing or any received between that hearing and today.

Ms. Cherry stated the Board has a copy of Google imagery which indicates concerns about drainage on the southeast corner of this parcel, and there is a concern that this may be due to a culvert that is plugged and needs maintenance. At this time, the imagery was presented digitally to all those present. Commissioner Teague stated that on June 14, 2016, what was considered as average spring rains, the drainage in question appeared, and stated that when the maps are overlaid that pond covers 40% of the area and possible building site, with further discussion regarding where the driveway will be placed. Commissioner Arndt stated he drove out and looked at the property and pointed out where a culvert is located that drains from the north to the south as well as another culvert location where the water eventually goes further to the north, and in 2015 when the major rainfall occurred, the culvert does actually work as you can see where the water did go across the cement ditch to the neighboring farmland. In looking at a normal year with normal heavy rains, at least 200 feet off the bottom may be under water at some point, and would question whether or not that would be a no build zone and also consider that people who build in the country would like animal pens, or something of that sort, so that could be of concern.

Commissioner Teague stated in the past, it is difficult to provide enough guidelines for land use and to require a build high outside of a flood plain, and what happens is the County then takes the burden of people either cutting the road to drain the runoff and have even had people replace culverts with larger culverts which cause concerns for neighbors. Some sites are not buildable.

Commissioner Arndt stated for him to even consider approval of this application is some type of survey that would remediate this drainage issue. He stated the culvert is working, could use some cleaning out, but also would take some significant ditch cleaning down further which would be at cost to the County, and this property will always have water given this area is lower. He stated after looking at it, he cannot see where this would ever be a buildable lot.

Ms. Guzman stated that this information has been disclosed to the Danley's and the proposed residence is likely within the flooding and these people have decided to move the residence out of the area in question. Commissioner Teague stated at this time the Board has to consider what could further be developed on this lot, and do not have any detailed information to consider at this time, and for the size of the lot, it does not leave much of the lot developable. She stated there is also the next purchaser down the line that may or may not receive this disclosure.

Ms. Cherry stated that Bob Elrick, Planning Commission Board member stated during the Planning Commission hearing that he would like it to be known in regards to the right to farm policy there is a small CAFO near the property. Commissioner Teague stated this would be within the 1320 feet of the parcel, and this is something to consider given the closeness to the CAFO facility. Ms. Cherry's recommendation is that of the lot should be reconfigured and this would also require a variance.

Commissioner Arndt stated that he feels the creation of the lot; the variance should come at the same time as the creation/exemption. Ms. Cherry stated it is not a home site at this time, as they do have another application on file to be heard in the near future at which time they will be able to review this drainage issue that could be subject to approval. Discussion followed that it could result in the property owner being stuck with an unbuildable lot in which the County would have created.

Commissioner Arndt stated at this time, the drainage issue is what is being most worried about, and he would probably ask that it be possible to ask them to go back and review the ponding as to where it is and the no build zone and enough room stating the problem that comes with a no build site, is in ten years in the future, there will be someone build in this no build zone and the County may or may not enforce it, with discussion following whether or not this could be included in the title so landowners would be able to see that.

Chairman Zwetzig wants it to be sure the public is aware and the Commissioners have determined this in the past that culverts and barrow ditches are intended to handle the water from the roadways and make sure this is applied as a matter of fact across the county and enforce it that way. He further stated that borrow ditches are only intended to

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handle the water off the road, not intended to handle drainage from land. This is not a designated flood area, created by some manmade features such as a county road, a concrete ditch on the other side, and those things show up and cause blockage of normal historical drainage. He stated what he believes they are looking at, he does not think it could be stated it is in a flood area or an unbuildable area, and could not make that a condition. The landowner itself creates those areas and the County could create those areas itself, but the Board does not have anything to say they bring in fill dirt to build this area up.

Commissioner Teague spoke about three houses on County Road 3, during the 2015 flood, that experienced drainage issues whereas basement flooding occurred, and those being subdivisions that had been allowed in an area of concern given drainage problems and ten years later created problems for the owners and the County.

Chairman Zwetzig asked about the CAFO being designated, with Ms. Cherry stating at this time it is not, it is grandfathered, with Chairman Zwetzig stating if she is saying the property owner would have to obtain a variance, it is a grandfathered designated CAFO. Discussion ensued as to what exactly a CAFO is, with Ms. Meyer stating if it exceeds the designated number of animal units. Commissioner Arndt stated it is a small animal confinement facility and the landowners would still have to do a variance given the regulations. Discussion ensued regarding AFO versus CAFO, animal feeding operations, with Ms. Meyer stating the owner has 160 acres and a smaller animal confinement, whereas a conditional use permit could be granted and from what she believes, the setback would be 660 feet. It was determined that it is not a CAFO, it is an AFO, and the area in question would be approximately 500 feet to the property edge, going 660 feet would place the area within the area of concern for drainage right up to the edge of the well (using this as a landmark reference) as measured by IT staff on the digital imagery provided. Discussion followed that in reviewing imagery and the distance from the AFO, it does appear there is an area for something to be built.

Discussion followed regarding the buildup of the drainage area utilizing amounts of dirt work and the problems that this could create for farm ground and/or others.

It was agreed that given this AFO is within the 660 feet area, there is a buildable area, and the next item for discussion and decision as per Chairman Zwetzig is the fact the Board allows the exemption, and creating the drainage issue for future landowners. Commissioner Arndt stated he does not feel this is an appropriate building site and in the best interest to approve this exemption the way it sits today, possibly if they were to move it and present it in a different fashion, then possibly he could look at approving it, but as it is presented today, he does not feel comfortable in approving this exemption.

Ms. Cherry stated that her recommendation to the Planning Commission was to reconfigure the five acres. Discussion followed that the Board could table this application and allow for the applicant to review and possibly take this back to the Planning Commission to review the matter and it would remain as the same application which would allow for a legal description to be provided for the actual 40 acres in question. Commissioner Teague stated that even though this change would move away from the drainage concerns, it does not manage the problems for increasing the worsening of the drainage or problems downstream and just doing the reconfiguration would not convince her to approve this application as she has other concerns as well. Ms. Cherry reiterated that this matter could be sent back to Planning Commission and request that they place additional conditions on the applicant.

At this time, a motion was made by Commissioner Teague to table this public hearing for two weeks to give the applicant an option to reconfigure the lot and the desire and consider this matter with this information. Discussion followed with Ms. Cherry stating the applicant is out of the country at this time, and Chairman Zwetzig stated it is his belief that it should be sent back to the Planning Commission. Commissioner Teague amended her motion to table the application until such time it can be resubmitted by the applicant and reconsidered by the Planning Commission, with Commissioner Arndt making the comment to possibly add an amendment asking if a time limit could be placed on the permit of 90 days so an application does not just sit for a long period of time. Commissioner Teague stated she would accept the amendment and Chairman Zwetzig reiterated the amended motion to include that if this matter is not resolved within 90 days, it will be considered a denied permit, with Commissioner Arndt seconding the amended motion and motion then carried 3-0.

Application for Special Use Permit to store additional loaded perforating guns in an approved ATF loaded gun storage area at a secure offsite location. Parcel is located in the SE1/4 of Section 6, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado aka 17061 County Road 13, Fort Morgan, Colorado 80701

APPLICANT: Pioneer Wireline Services, LLC

LANDOWNERS: J.L. Duckworth and Francine R. Duckworth

Planning Administrator Pam Cherry presented the file stating this is an The subject property is located in the SE1/4 of Section 6, Township 3 North, Range 58 West of the 6th P .M., aka 17061 Co Rd 13, Fort Morgan, CO 80701. Ms. Cherry stated Four acres of the 159 acre Duckworth property will be leased by Pioneer Wireline Services; LLC (Lease Agreement with Larry Duckworth for a 5-year term) to store additional loaded perforating guns in an approved ATF loaded gun storage area to accommodate the high demand of these guns in the oil and gas field. The ATF allows only a small amount of loaded guns to be stored according to the 27 CFR 555.22 alternate methods or procedures and 27 CFR 555.205 movement of explosive materials. Pioneer will need to store additional loaded guns in an offsite secure location in order to keep up with increase of work demands. The closet residential structure to either pad is 1000', others are further, County Road 13 is approximately 1,100 feet from the closest pad.

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Ms. Cherry explained there is a 30' x30' storage pad will be covered with road base and enclosed with a 6' chain link fence and an additional 4' fence on the inside for additional security. Another 20'x20' magazine storage pad will be covered with road base and wrapped with a 6' chain link fence. Entrance to both pads will be by a manual gate with tumbler locks.

Pioneer Wireline operates under strict regulations by the ATF. Environmental impacts to adjacent properties from noise, dust or traffic are not anticipated. Pioneer will meet all explosive requirements in accordance with Colorado State Division of Oil and Public Safety 4.6 and ATF explosive law and regulations as well as regulations that apply explicitly to the movement and transport of explosive materials.

Water - The proposed use does not require a water supply. In case of fire, there would be an explosion so would not be safe for emergency response for the purpose of fire suppression. Property will be posted to notify emergency response of no fire suppression due to safety reasons.

Utilities - Public utilities are not required for this use.

Access - There is a letter from Morgan County Road and Bridge allowing an access off of County Road 13.

Soils - VcD Valent sand with 3-9% slopes are present at the proposed pad sites.

Fire Protection - Fort Morgan Rural Fire Protection District with support from other departments when and if necessary.

Morgan County Sheriff - Does not anticipate a significant impact on law enforcement services.

Federal Explosives License/Permit and State of Colorado Purchaser, Transportation, Well Perforation Permit and Storage Permit were included with the application.

The Special Use is required in the "A" Zone per Section 3-180 (F) Oil well drilling operations equipment storage yards, oil tank fields. This use is for storage of equipment for use in the oil fields, which supports the industry.

All appropriate notices, posting, and publication requirements have been met. Appropriate fees have been paid for application and review. The subject property is located within the Fort Morgan Rural Fire District. Taxes are current. The subject property is zoned "A" Agriculture Production District and the proposed site of the facility is not located in the floodplain.

At this time Ms. Cherry recommended approval of the application with one condition, which is the same recommendation as the Planning Commission:

1. All federal and state regulations for this facility will be followed.

At this time, applicant and Landowner Pioneer Wireline Services, LLC with Dan Hazel and Thomas Francis representing Pioneer Wireline Services, provided a digitized presentation which outlined the purpose of their business and proposal. The presentation demonstrated the difference in the wells and fracturing of the wells, and how the shipment of charges will take place. The presentation provided a visual of the empty gun barrels versus the loading of gun barrels and how they fill them, and inserts the charge up to and including wrapping the detonation cord. Once the pallet is completely loaded with the loaded barrels, they are then packaged and banded, they are not able to move or be separated from the package itself and then are placed onto a trailer to be shipped to location or to be stored on loaded gun storage pad and they follow DOT regulations. He explained the six foot fenced with a four foot steel inner chain link fence, 2-5 tumbler paddle locks, steel hoods, and the trailer will be disabled, requirements that will be in place for security. He further explained that the only way these materials could be set off is to have a detonator and detonators are not allowed to be stored with detonation cord and shaped charges.

Mr. Hazel stated that the ATF requires a 3 day inspection as well as strict inventory control and reporting. He outlined the detonator safety and provided visuals regarding the subject matter. Type II Magazine storage was also presented explaining the steel hoods in place as well as the required thickness of said steel. A picture of a spent gun barrel was shown at which time the presentation ended.

Mr. Francis stated this will be a temporary site for their company and does not see this as an area for long term storage, it is only going to be used for storage between locations and they want to assure the County that security is their top priority.

Commissioner Teague asked if this is only a short term plan what their restoration plan would be, with Mr. Hazel stating they would place the property back to its original condition.

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

Dave Martin, Morgan County Undersheriff, referenced the slide show indicating the charges that were shown in the slide show resemble those charges used in fireworks show and the fact there are other bunkers located within the County and there have been no issues with those in the past. Chairman Zwetzig asked how many employees this company employs with Mr. Hazel stating approximately 120 employees.

At this time, Chairman Zwetzig moved to discussion and decision with no further questions.

At this time, a motion was made by Commissioner Arndt to approve the Application for Special Use Permit to store additional loaded perforating guns in an approved ATF loaded gun storage area at a secure offsite location and all federal regulations for this facility will be followed. Parcel is located in the SE1/4 of Section 6, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado aka 17061 County Road 13, Fort Morgan, Colorado 80701 and Commissioner Teague seconded the motion, and motion carried 3-0.

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Ms. Cherry will prepare a resolution approving this application and allow the applicants to review said resolution prior to the Board approving the written resolution.

Being no further business, the meeting was adjourned at 10:48 a. m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified April 11, 2017)

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

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey