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**BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
June 22, 2010**

The Board of Morgan County Commissioners met on Tuesday, June 22, 2010 at 9:00 a.m. with Chairman Brian McCracken, Commissioner Tony Carlson and Commissioner Laura Teague in attendance. Chairman Brian McCracken called the meeting to order with Communications Director Pam Monsees leading the Pledge of Allegiance to the Flag.

CONSENT AGENDA

The following items were on the Consent Agenda:

Consideration of Approval of Minutes dated June 15, 2010

Ratify Chairman Brian McCracken's signature for Morgan County Board of Human Services Financial Meeting Minutes dated May 10, 2010

Ratify Chairman Brian McCracken's signature for assignment of debt collection to Wakefield & Associates for Morgan County Ambulance Service Clients (#71877)

Commissioner Carlson made a motion to approve all items on the Consent Agenda. Commissioner Teague seconded the motion. Motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

CONSIDERATION OF APPROVAL-RESOLUTION 2010 BCC 16-RESOLUTION REFERRING TO THE VOTERS OF MORGAN COUNTY THE QUESTION OF WHETHER TERM LIMITS FOR THE DISTRICT ATTORNEY FOR THE 13TH JUDICIAL DISTRICT SHOULD BE ELIMINATED

RESOLUTION 2010 BCC 16

A RESOLUTION REFERRING TO THE VOTERS OF MORGAN COUNTY THE QUESTION OF WHETHER TERM LIMITS FOR THE DISTRICT ATTORNEY FOR THE 13TH JUDICIAL DISTRICT SHOULD BE ELIMINATED

WHEREAS, Article XVIII, Section 11, of the Colorado Constitution limits elected state and local officials to two consecutive terms of office, and

WHEREAS, Article XVIII, Section 11 of the Colorado Constitution also allows the voters of any political subdivision of the state to eliminate the limitations on the number of consecutive terms of office which may be served by any individual, and

WHEREAS, the District Attorney of the 13th Judicial District is limited to two consecutive terms of office, and

WHEREAS, a proper request has been filed with the Boards of County Commissioners of the counties comprising that Judicial District to refer the question of term limits to the voters of the respective counties, and

WHEREAS, it is desirable that the voters of Morgan County have the opportunity to express their will on this matter.

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

1. The following question is hereby certified to the Morgan County Clerk and Recorder to be presented to the registered electors of Morgan County at the General Election to be held on November 2, 2010:

“COUNTY REFERRED MEASURE #4F - ELIMINATING TERM LIMITS FOR THE OFFICE OF DISTRICT ATTORNEY

SHALL TERM LIMITS FOR THE OFFICE OF DISTRICT ATTORNEY FOR THE 13TH JUDICIAL DISTRICT BE ELIMINATED?”

2. The Morgan County Clerk and Recorder is hereby designated the Election Official for this referred question.

DATED this 22nd Day of June, 2010.

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with the land use planning, and management programs of other federal departments and agencies and of the state and local governments within which the lands are located”; and

- WHEREAS,** the coordination requirements of Section 1712 of FLPMA provide for special involvement by government officials who are engaged in the land use planning process; and
- WHEREAS,** FLPMA section 1712 sets forth the nature of the coordination required with planning efforts by government officials and subsection (f) of 43 U.S.C. § 1712 sets forth an additional requirement that the Secretary “shall allow an opportunity for public involvement” (including local government without limiting the coordination requirement of 43 U.S.C. § 1712 allowing land or resource management or regulatory agencies to simply lump local government in with special interest groups of citizens or members of the public in general); and
- WHEREAS,** FLPMA, at section 1712, also provides that the “Secretary shall . . . assist in resolving, to the extent practical, inconsistencies between federal and non-federal government plans” and gives preference to those counties which are engaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program; and
- WHEREAS,** the requirement that the Secretary “coordinate” land use inventory, planning, and management activities with local governments, requires assistance in resolving inconsistencies to mean that the resolution process takes place at the beginning of the planning cycle and during the planning cycle instead of at the end of the planning cycle when the draft federal plan or proposed action is released for public review; and
- WHEREAS,** FLPLA section 1712 further requires that the “Secretary shall . . . provide for meaningful public involvement of state and local government officials . . . in the development of land use programs, land use regulations, and land use decisions for public lands”; and, when read in light of the “coordinate” requirement of 43 U.S.C. § 1712, reasonably contemplates “meaningful involvement” as referring to on-going consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle; and
- WHEREAS,** the Environmental Protection Agency (“EPA”), charged with administration and implementation of the National Environmental Policy Act of 1976 (“NEPA”), 42 U.S.C. 4321 et seq., has issued regulations which require that federal agencies consider the economic impact of their actions and plans on local government such as Morgan County, Colorado; and
- WHEREAS,** NEPA requires federal agencies to consider the impact of their actions on the customs of the people as shown by their beliefs, social forms, and “material traits”, it reasonably follows that NEPA requires federal agencies to consider the impact of their actions on the rural, land, agricultural, and resource-oriented citizens of Morgan County, Colorado who depend on the “material traits” of Morgan County, including agricultural production, agriculturally-related industry, animal husbandry, livestock grazing, recreation, tourism, hunting, mining, and other commercial pursuits for their economic livelihoods (all of which are critically dependent on access to sufficient water and rights to sufficient water); and
- WHEREAS,** NEPA requires federal agencies to consider the impact of their actions on the customs, beliefs, and social forms, as well as the “material traits” of the people; and
- WHEREAS,** it is reasonable to interpret NEPA as requiring federal agencies to consider the impacts of their actions on those traditional and historical and economic practices, including commercial and business activities, which are performed or operated on federally and state-managed lands (including but not limited to agricultural production, agriculturally-related industry, animal husbandry, livestock grazing, recreation, tourism, hunting, mining, and other commercial pursuits – all of which are critically dependent on access to water and rights to water); and
- WHEREAS,** NEPA, at 42 U.S.C. § 4331, places upon federal agencies the “continuing responsibility . . . to use all practicable means, consistent with other considerations of national policy to . . . preserve important historic, cultural, and natural aspects of our national heritage”; and
- WHEREAS** Webster’s New Collegiate Dictionary (1975, at page 277) defines “culture” as “customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations”; and
- WHEREAS** the National Forest Management Act of 1976 (“NFMA”), 16 U.S.C. § 1600 et seq., requires the United State Forest Service to coordinate its planning processes with local government units such as Morgan County, Colorado; and
- WHEREAS,** federal agencies implementing the Endangered Species Act of 1973 (“ESA”) (7 U.S.C. § 136; 16 U.S.C. § 1531 et seq.); the Federal Water Pollution Control Amendments of 1972 (popularly known as the Clean Water Act (“CWA”) (33 U.S.C. § 1251 et seq.); the Clean Air Act (“CAA”) (42 U.S.C. § 7401 et seq.); the Wild and Scenic River Act of 1968 (“WSRA”) (16 U.S.C. § 1271 et seq.); the Outdoor Recreation Coordination Act of 1963 (“ORCA”) (16 U.S.C. § 460 et seq.); the Soil and Water Resources Conservation Act of 1977 (“SWRCA”) (16 U.S.C. §§ 2001 – 2009); the Homeland Security Act of 2002 (“HSA”) (Public Law 107-296; 6 U.S.C. § 101 et seq.) are

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required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Morgan County, Colorado; and

WHEREAS, the coordinating provisions referred to in the resolution require the Secretary of Interior to work directly with local government to resolve water resource issues and with regard to recreation uses of the federal lands; and

WHEREAS, the regulations issued by the federal agencies in this resolution are consistent with statutory requirements of coordination and direct cooperation and provide implementation processes for such coordination and direct consideration and communication; and

WHEREAS, the Colorado Constitution has recognized Morgan County's authority to exercise its local, police, and sanitary powers, and the Colorado legislature has recognized and mandated exercise of certain of those powers in specific statutes; and

WHEREAS the Colorado legislature has stated that "[e]ach local government within its respective subdivision has the authority to plan for and regulate the use of land by . . . regulating the use of land on the basis of the impact thereof on the community or surrounding areas . . . (and) planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights." C.R.S. § 29-20-104(1)(g) and (h); and

WHEREAS, the Colorado legislature specifically authorizes counties (and municipalities) to designate certain areas and activities of "state interest" and regulate them. The Areas and Activities of State Interest Act (C.R.S. § 24-65.1.101 et seq., commonly referred to as "1041 powers") authorizes counties to designate certain areas of state interest from among four (4) specific categories: (a) Mineral resource areas; (b) Natural hazard areas; (c) Areas containing or having a significant impact upon historical, natural, or archaeological resources of statewide importance; and (d) Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community; and

WHEREAS, the Areas and Activities of State Interest Act also authorizes counties to designate certain activities of state interest from among nine (9) specific categories: (a) Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems; (b) Site selection and development of solid waste disposal sites (with certain exceptions); (c) Site selection of airports; (d) Site selection of rapid or mass transit terminals, stations, or fixed guideways; (e) Site selection of arterial highways and interchanges and collector highways; (f) Site selection and construction of major facilities of a public utility; (g) Site selection and development of new communities; (h) Efficient utilization of municipal and industrial water projects; and (i) Conduct of nuclear detonations; and

WHEREAS, pursuant to C.R.S. § 30-11-101(1), each organized county within the state shall be a body corporate and politic and as such is empowered with numerous powers and purposes, including but not limited to: "(k) To coordinate, pursuant to 43 U.S.C. section 1712, the "National Environmental Policy Act of 1969", 42 U.S.C. section 4321 et seq., 40 U.S.C. section 3312, 16 U.S.C. section 530, 16 U.S.C. section 1604, and 40 CFR parts 1500 to 1508, with the United States secretary of the interior and the United States secretary of agriculture to develop land management plans that address hazardous fuel removal and other forest management practices, water development and conservation measures, watershed protection, the protection of air quality, public utilities protection, and private property protection on federal lands within such county's jurisdiction"; and

WHEREAS, pursuant to C.R.S. § 30-11-101(2), "Counties have the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise prescribed by law"; and

WHEREAS, pursuant to C.R.S. § 30-11-107(1), "The board of county commissioners of each county has power at any meeting: (a) To make such orders concerning the property belonging to the county as it deems expedient; . . . (bb) To provide for the preservation of the cultural, historic, and architectural history within the county by ordinance or resolution"; and

WHEREAS, it is the intent of this resolution only to recite the authority of Morgan County to coordinate and provide input and comments with state and federal agencies and to formally recognize such existing authority for the benefit of staff, elected officials, and state and federal agencies, and

WHEREAS, all authority recited and recognized by this resolution is vested only in and may only be exercised by the Board of County Commissioners as the governing body of Morgan County and not in any other public or private entity.

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

That the Morgan County Board of County Commissioners does hereby assert legal standing and formally requests coordination status with all federal and state agencies maintaining jurisdiction of lands, resources,

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and activities located within or impacting Morgan County, pursuant to the above mentioned authority and all other applicable federal or state statutes, regulations, or binding legal decisions.

DATED this 22nd Day of June, 2010

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Tony Carlson
Tony Carlson, Commissioner

ATTEST:

(SEAL)

s/Connie Ingmire
Connie Ingmire, Clerk to the Board

Morgan County Attorney George Monsson presented to the Board for approval Resolution 2010 BCC 17 recognizing Morgan County's ability to request coordination in certain activities within Morgan County. Monsson stated this would not give Morgan County additional power. Monsson noted coordination refers to the actions and relationships between Morgan County and federal agencies and in some cases state agencies. Morgan County would confer with each individual agency. Monsson noted coordination does not affect state or federal legislation. Chairman McCracken noted he has received several calls from individuals with concerns. Monsson assured the Board an individual does not coordinate with the Board of County Commissioners concerning selling property or businesses. Monsson noted federal agencies may come to Morgan County and ask for Morgan County's input when involving coordination. Commissioner Carlson made a motion to approve Resolution 2010 BCC 17. Chairman McCracken seconded the motion. Commissioner Carlson noted Resolution 2010 BCC17 is documentation regarding what our rights actually are. Carlson noted he does not see a downside and can be used as a tool. Commissioner Teague noted she does not think coordination is the best way to govern and opposes. Chairman McCracken stated he sees both sides and noted the Board of County Commissioners is in charge of coordination. Voting yes; Carlson and McCracken. Voting no; Teague. Motion carried 2-1.

CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT 2010 PMT 11-APPLICANT-CHAMPION OIL FIELD SERVICE, INC

Morgan County Road Supervisor John Goodman presented to the Board for approval Permit 2010 PMT 11 for applicant Champion Oil Field Service, Inc. to trench across County Road 11, Wiggins, CO to install a culvert to temporarily run pipes through to purge fields. Chairman McCracken noted the fees have been paid. Commissioner Teague made a motion to approve Right of Way Permit 2010 PMT 11 and authorize the chairman to sign. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-2010 CNT 48-AGREEMENT FOR THIRD RENEWAL OF INTERGOVERNMENTAL AGREEMENT FOR JUDICIAL SERVICES FY 2011

Morgan County Attorney George Monsson presented to the Board for approval Contract 2010 CNT 48 for the renewal of the agreement between Morgan County and the Colorado Judicial Department. The renewal agreement is for judge and clerk court time services for Model Traffic Code. Monsson noted the rates have remained the same but may increase in the future. Reimbursement of \$60.00 per hour would be for judge time and \$34.94 for clerk time. The term of the agreement runs from July 1, 2010 through June 30, 2011. Commissioner Teague made a motion to approve Contract 2010 CNT 48 with a one year term. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-ADDENDUM TO LEASE-DOUG CHALK TO LEASE PARCEL OF LAND LYING IN THE SW1/4 OF SECTION 36, T.4N., R.58W. OF THE 6TH P.M.

Morgan County Attorney George Monsson presented to the Board for approval the addendum to a three year lease with Doug Chalk for an eighteen acre farm owned by Morgan County. Monsson noted the addendum adds several provisions to the current lease. The Lessee will be responsible for property taxes and for utility charges incurred during the agricultural growing season. Commissioner Carlson made a motion to approve the \$900.00 lease per year noting the changes as outlined by Monsson. Commissioner Teague seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-REAPPOINTMENT OF PAM MONSEES TO NORTHEAST COLORADO REGIONAL EMERGENCY MEDICAL AND TRAUMA ADVISORY COUNCIL (RETAC)

Communications Director Pam Monsees presented to the Board for approval the reappointment to the Northeast Colorado Regional Emergency Medical and Trauma Advisory Council. Monsees noted the \$2.00 license plate fee is dispersed to RETAC for emergency medical services and trauma responses. Funds are procured through a grant process and are used for equipment, training, first responder, CPR, EMT and paramedic training. Monsees stated

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two representatives from each of the nine counties are on the Board. Commissioner Carlson made a motion to approve the reappointment of Pam Monsees with the term expiring June 30, 2012. Commissioner Teague seconded the motion. Motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Road Supervisor John Goodman reported on various road and bridge conditions.

Commissioners reviewed the calendar for June 18, 2010 through June 29, 2010 with changes.

Planning Administrator Barb Gorrell reported on activity in the Planning and Zoning Department noting there have been seventy-one roofing permits with four pending mainly from last year's storms. Gorrell reminded citizens that permits are required for siding, window replacement and roofing. Gorrell noted as of July 1, 2010 we will be under the 2009 International Building Code.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT PERIOD

Allyn Wind, Brush, CO expressed to the Board his concern about the intersection at County Road R and Highway 71, Brush, CO. Wind noted there is no striping at this intersection and is a hazard. Wind stated he has met with the State with no progress. Wind asked if the Board could look into the matter.

Chuck Miller, Brush, CO wanted to thank the Board for passing coordination.

We hereby adjourn and are in recess at 9:33 a.m.

Respectfully submitted,

Dee Loose
Deputy Clerk to the Board

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague, Commissioner

s/Tony Carlson
Tony Carlson, Commissioner

ATTEST:

(SEAL)

s/Connie Ingmire
Connie Ingmire, Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS June 22, 2010 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, June 22, 2010 at 9:39 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners McCracken, Carlson, and Teague. Also present were Barb Gorrell, Planning Administrator; Jody Meyer, Planning Assistant; George Monsson, County Attorney; and Susan Bailey, Administrative Services Manager for Morgan County.

The hearing was called to order by Chairman Commissioner McCracken.

NEW BUSINESS:

APPLICANT: Esenjay Operating, Inc.
LANDOWNER: Maybelle L. Wilson

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Application for variance to Section 4-475 of the Morgan County Zoning Regulations located in the NW1/4NW1/4 of Section 30, Township 6 North, Range 59 West of the 6th P.M., Morgan County.

James Karo, of James C Karo Associates Land Services, Denver, Colorado, an authorized agent for Esenjay Operating was present to represent this application.

Barb Gorrell presented the following application and recommended approval:

The applicant is requesting this variance to place a tank battery for gas well within the required setback area. Our regulations require that "Permitted operations shall be located at least 100' from all County and State roadways. Assuming the fence line as the road right-of-way the tank battery will be located 10' and 70' from the right-of-way of County Road GG.

According to the application "Any increase in the setback hinders the most efficient use of the property, creates unnecessary access road construction, and unfairly burdens the surface estate." Placement of the tank battery at this location will also aid in compliance with our Regulations which state:

4-480 (A) Existing roads shall be used to the greatest extent possible in order to minimize the amount of land devoted to the oil and gas drilling and/or production site. Where feasible, all necessary roads shall be routed to complement other land usage.

(B) Road routes shall be planned to minimize noise, dust, and other nuisance factors to other parties during drilling and throughout the well production life.

This location for the tank battery is also preferred by the surface owner.

This location is remote and should not have an impact on County Road travel.

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

Barb noted that she had not received any public comment on this application.

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

Commissioner Carlson said this application doesn't pose any hazards and he sees no problem with the variance request.

It was moved by Commissioner Carlson and seconded by Commissioner Teague to approve this Application for Variance to Section 4-475 of the Morgan County Zoning Regulations for a variance to minimum setback of a tank battery for gas well from a county roadway from 100' to 70' and 10' located in the NW1/4NW1/4 of Section 30, Township 6 North, Range 59 West of the 6th P.M., Morgan County. Motion carried 3-0, becoming Resolution #2010BCC18.

APPLICANT: Charlie Greenwood, III

LANDOWNER: Same

Application for variance to minimum side yard setbacks located in Block 1, Lot 35, Trailside Planned Development, aka 16295 County Road R, Fort Morgan, Colorado.

Charlie Greenwood, III was present to represent this application.

Barb Gorrell presented the following application and recommended approval:

The applicant plans to construct a 160' long storage building on this lot. The required side yard setback in this Planned Development is 50'. The proposed building is positioned at the rear of the lot to maximize usage of the lot. The applicant is requesting side yard setback variances to 25' on the west side and 15' on the east side.

The actual use of the building is not yet known.

A similar variance was granted on the parcel adjacent to the east. If this variance is granted it will leave 30' between the two structures at the closest point. It does not appear that there are any structures close on the west side. 30' should be adequate for emergency response as well as grounds maintenance.

The project has been approved by the Trailside Architectural Review Committee.

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

Barb noted that she had not received any public comment on this application.

No one was present to speak in favor of this application.

Public speakers were:

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Wendy Collier, Wiggins, Colorado, is a landowner adjacent to the west of this parcel. For the record she wanted to clarify that she was in favor of this variance setback for this particular building, but was not giving her okay to any future construction issues. Also, she wanted to make sure that the applicant would be responsible for any drainage from this structure and that her property would not be taking on any extra water.

Barb Gorrell told the Commissioners that an engineered drainage plan would need to be submitted and reviewed because of the size of this building.

Charlie Greenwood said they have contacted an engineer and a plan has been submitted to him and to Keefe Construction.

Commissioner McCracken wanted to make sure that the engineer signed off saying the drainage plan was constructed properly. Cary Kudron representing Keefe Construction said they have the engineer study to direct the flow of water away from the building and adjacent lot. Cary said Keefe Construction can be responsible for the excavation work. Commissioner McCracken wanted the engineer to check off that the project has been done the way they designed it and Mr. Kudron said he understood.

It was moved by Commissioner Teague and seconded by Commissioner Carlson to approve this Application for Variance to minimum side yard setbacks for construction of a storage building from 50' to 25' on the west side and 15' on the east side located in Block 1, Lot 35, Trailside Planned Development, aka 16295 County Road R, Fort Morgan, Colorado, as outlined by Planning Administrator Barb Gorrell. Motion carried 3-0, becoming Resolution #2010BCC19.

APPLICANT: City of Brush!

LANDOWNER: Same

Application for variance to Section 4-565 of the Morgan County Zoning Regulations located in the NE1/4 of Section 22, Township 4 North, Range 56 West of the 6th P.M., Morgan County, aka 20503 County Road 28, Brush, Colorado.

Dale Colerick, City of Brush Waste Water foreman, was present to represent this application.

Barb Gorrell presented the following application and recommended approval:

The applicant is requesting this variance for construction of an expansion to the City's waste water treatment plant within the required setback. Our regulations require that "All waste water treatment facilities shall be set back a minimum distance of...one hundred fifty feet from the property line..." The headworks building will be located 55' from the south property line and the odor control bio-filter will be located 8' from the south property line. The Lower Platte and Beaver Canal separates the City's facilities from the adjoining property.

The planned expansion area of the facility is the best use of the property in that it will allow continuation of production on the agriculture land. Siting in this location will also allow for future expansion. Placement of the headworks building and bio-filter, although infringing on the property line setback, will have less impact on existing residential uses in this location.

The file includes a letter from the Lower Platte and Beaver Canal Company stating no significant impact.

Upgrade and expansion of this facility is vital to future growth of the City of Brush!

All appropriate notices, posting and publication requirements have been met. Property is zoned "A" Agriculture. Facility site is not in the floodplain.

Barb noted that this application is not approving the facility itself, as that will need to go through a Special Use Permit, but this hearing is relating to the setbacks only. She had a couple of calls on this application, but once the application was explained, there was no objection.

Dale Colerick said the City of Brush is making the best use of the existing site, keeping a small footprint. The closest landowner affected by the setbacks is the Lower Platte and Beaver Canal Company and Dale has been in touch with them. There is no significant expansion from this facility now.

Speaking in favor of or in opposition to this application were:

Walter Graham, representing Double K Ranch, a nearby landowner, just wanted confirmation as to where the site was exactly. Mr. Colerick told him the directions to the site. Mr. Graham said this should not affect them and he was okay with the variance.

Allyn Wind, representing the Lower Platte and Beaver Canal Company, said they were in favor of this application and they have met with Mr. Colerick. There were some City structures near the ditch and the City will remove them; therefore the Lower Platte has no objections.

Dale Colerick wanted to show his appreciation to the Ditch Company in working with the City of Brush on the project and he also said the same about working with Barb Gorrell at the County Planning Department.

Commissioner Teague reiterated her support of this project.

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It was moved by Commissioner Teague and seconded by Commissioner Carlson to approve this Application for Variance to Section 4-565 of the Morgan County Zoning Regulations for a variance to minimum setback of waste water treatment facilities from 150' to 55' for the headworks building and from 150' to 8' for the odor control bio-filter located in the NE1/4 of Section 22, Township 4 North, Range 56 West of the 6th P.M., Morgan County, aka 20503 County Road 28, Brush, Colorado, as outlined by Planning Administrator, Barb Gorrell. Motion carried 3-0, becoming Resolution #2010BCC20.

There being no further business, the meeting was adjourned.

Respectfully submitted,
Jody Meyer, Planning Assistant

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague, Commissioner

s/Tony Carlson
Tony Carlson, Commissioner

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

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