

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting July 21, 2015

The Board of Morgan County Commissioners met on Tuesday, July 21, 2015 at 9:02 a.m. with Chairman Brian McCracken, Commissioner Laura Teague and Commissioner James Zwetzig in attendance. Chairman Brian McCracken called the meeting to order, and asked Morgan County Fair Board Secretary Jolene Meyer to lead the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Ratify the Board of County Commissioners approval of Special Meeting Minutes dated July 13, 2015
Ratify the Board of County Commissioners approval of Meeting Minutes dated July 14, 2015
Ratify the Board of County Commissioners approval of Contract 2015 CNT 118, - Jemcko Technologies, Inc. Maintenance Contract, Term of Contract July 16, 2015 through July 15, 2016
Ratify the Board of County Commissioners approval of Contract 2015 CNT 119 - Quad County Plumbing and Heating, Inc – Repairs at DHS, Term of Contract July 15, 2015 until complete
Ratify the Board of County Commissioners approval of Contract 2015 CNT 120 - MJ's Garage Service – Repairs at Ambulance Department, Term of Contract June 27, 2015 until complete
Ratify Chairman Brian McCracken's signature approving the assignment of debt collections to Central Collection Services for Client #150329B, #150326B, #150326A, #150329A, #150328A, #142295, #150293, #150480A, #150480B, #150351A, #142164, #150150, #150277, #150522, #150466, #142054, #150536, #150469, #150327, #150442, #150246, #150310, #150432, #150188, #150516, #150553, #150081A, #150489, #150695, #150556, #150328B, 150483, #150548, #150551 and #150433

Commissioner Teague made a motion to approve all items 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 2015 BCC 20 – Saddlehorn Pipeline Company, LLC

RESOLUTION 2015 BCC 20

A RESOLUTION GRANTING A USE BY SPECIAL REVIEW FOR A CRUDE OIL AND CONDENSATE UNDERGROUND HIGH PRESSURE PIPELINE LOCATED IN PORTIONS OF SECTIONS 31 AND 32, ALL IN TOWNSHIP 1 NORTH, RANGE 60 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Saddlehorn Pipeline Company, LLC (the "Applicant") has applied for a special use permit for the installation of approximately 2.1 miles of a 20-inch crude oil and condensate underground pipeline (the "Application") located in portions of Sections 31 and 32, in Township 1 North, Range 60 West of the 6th P.M., more particularly described in **Exhibit A** (the "Property");

WHEREAS, on June 8, 2015, after holding a public hearing, the Morgan County Planning Commission recommended that the Application be approved;

WHEREAS, on July 7, 2015 the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application;

WHEREAS, notice of the public hearing was properly published and posted;

WHEREAS, at the public hearing, the Board of County Commissioners received testimony and evidence from the Applicant and members of the public;

WHEREAS, the Board of County Commissioners received testimony and evidence from the Morgan County Planning Administrator, who recommended approval of the Application with certain conditions; and

WHEREAS, the Board of County Commissioners desires to approve the Application, subject to certain conditions, as further set forth herein.

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

1. APPROVAL

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the special use permit (hereinafter referred to as this "Resolution" or the "Permit").

2. FINDING OF FACT

Provided the Applicant meets all conditions set forth herein, the following findings are made:

a. The use and its proposed location are in conformance with the Morgan County Comprehensive plan. Specifically:

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i. The project will broaden employment opportunities for residents and will further economic growth.

ii. The proposed use is compatible with existing land uses and there is access to established public infrastructure.

iii. The use will protect existing agriculture operations by allowing it to continue while not restricting private property rights.

b. The Application is complete and presents a clear picture of how the use is to be arranged on the site.

c. The site conforms to the applicable district design standards set forth in Sections 3-620 through 3-710 of the Morgan County Zoning Regulations, including standards related to noise, water quality, and drainage.

d. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

e. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography.

f. The special use poses no or minimal risk to the public health, safety and welfare.

g. The special use will not be located on a nonconforming parcel of land.

h. The Applicant has adequately documented a public need for the project in the form of increased economic development. The Applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs.

i. The special use will require water for testing the pipelines prior to introduction of oil and condensate, but the water will not be used for human consumption.

3. CONDITIONS

a. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Applicant, which are hereby incorporated into this Resolution.

b. This Resolution shall not be construed to grant Applicant the right to use any County property or rights-of-way. Applicant shall comply with all applicable County regulations and requirements relating to the pipeline, including obtaining all required permits for crossing or use of County rights-of-way.

4. GENERAL PROVISIONS

a. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County representatives are authorized to inspect the Property at any reasonable time upon notice to the Applicant.

b. The Applicant shall comply with all governmental and regulatory agency requirements and permits, including without limitation those promulgated for the protection of health, safety, and welfare of the inhabitants of Morgan County.

c. Material alterations to the proposed development as set forth in the Application shall require an amendment to this Permit, after hearings before the Morgan County Planning Commission and the Board of County Commissioners. Nonmaterial alterations may be approved by the Morgan County Planning Administrator, upon receipt of a written application requesting approval of the proposed alteration. Whether an alteration is material shall be determined by the Morgan County Planning Administrator.

d. The Applicant shall comply with all the requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 21st day of July, 2015

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

s/ Brian K. McCracken
Brian K. McCracken, Chairman

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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, Clerk to the Board

Morgan County Planning Administrator John Crosthwait presented to the Board for approval the draft of Resolution 2015 BCC 20, a Resolution Granting a Use by Special Review for Crude Oil and Condensate Underground High Pressure Pipeline Located in Portions of Sections 31 and 32, Township 1 North, Range 60 West of the 6th P.M, Morgan County, Colorado. Mr. Crosthwait summarized the Resolution to the Board with Commissioner Zwetzig asking the question as to previous discussions with Saddlehorn regarding the requirement for them to obtain the appropriate right of way permits for all section lines, if they have complied with this requirement. Mr. Crosthwait stated that he has spoken with representatives from Saddlehorn and they have agreed to follow this requirement but they are not in place at this time. Mr. Crosthwait further stated that Saddlehorn is also working with the County's Information Technology Department in regards to any mapping details, explaining that this information will provide shape files for the County's GIS system. Commissioner Zwetzig asked that this matter be followed up on to ensure it takes place. Commissioner Teague asked if it would be appropriate to add this condition to the resolution regarding the applicant being required to provide an as built map once all is complete. Discussion followed that Saddlehorn has agreed to file for the necessary permits and will follow the required mapping protocols as well as provide the appropriate data.

Commissioner Zwetzig made a motion to approve Resolution 2015 BCC 20 as outlined by Mr. Crosthwait. Commissioner Teague seconded the motion and motion carried 3-0. Commissioner Teague asked that it be noted this resolution is the result of the hearing that was held on Tuesday, July 7, 2015.

Consideration of Approval - RESOLUTION 2015 BCC 21 – Randi Piepho

RESOLUTION 2015 BCC 21

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A MOBILE HOME ON LOT 3, AMENDED ANTELOPE CREEK MINOR SUBDIVISION, IN THE SW ¼ OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 60 WEST OF THE 6TH P.M., MORGAN COUNTY COLORADO WITH AN ADDRESS OF 6250 HIGHWAY 52, LOT 3, WIGGINS, COLORADO 80654

WHEREAS, Randi Piepho (the "Applicant") has applied for a conditional use permit for the installation of mobile/mini home (the "Application") on Lot 3 of the Amended Antelope Creek Minor Subdivision, which has an address of 6350 Highway 52, Lot 3, Wiggins, Colorado 80654, more particularly described in **Exhibit A** (the "Property");

WHEREAS, the structure proposed for the lot is determined to be a mobile home as that term is defined in Section 1-630 of the Morgan County Zoning Regulations;

WHEREAS, mobile homes are conditional uses in the "A" Agriculture zone district;

WHEREAS, there are private restrictive covenants applicable to the Antelope Creek Subdivision, which prohibit mobile homes and which require a minimum of 1,500 square feet on the floor level;

WHEREAS, the Board of County Commissioners does not consider private covenants when issuing conditional use permits, and the Applicant currently owns all lots within the subdivision, so the Applicant is likely capable of altering such restrictions;

WHEREAS, on June 8, 2015, after holding a public hearing, the Morgan County Planning Commission recommended denial of the Application, finding in part, that there were access issues onto Lot 3, and that the proposed structure would contribute to a trailer park appearance of the Antelope Creek subdivision;

WHEREAS, on July 7, 2015 the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application;

WHEREAS, notice of the public hearing was properly published and posted;

WHEREAS, at the public hearing, the Board of County Commissioners received testimony and evidence from the Applicant and members of the public;

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WHEREAS, the Board of County Commissioners received testimony and evidence from the Morgan County Planning Administrator, who recommended approval of the Application with certain conditions; and

WHEREAS, the Board of County Commissioners desires to approve the Application, subject to certain conditions, as further set forth herein.

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

5. APPROVAL

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the conditional use permit (hereinafter referred to as this "Resolution" or the "Permit").

6. FINDING OF FACT

Provided the Applicant meets all conditions set forth herein, the following findings are made:

- a. The application documents are complete and present a clear picture of how uses are to be arranged on the site.
- b. The site plan conforms to the design standard of these Regulations.
- c. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure (utilities, drainage, and roads) or upgrades by the County or Special Districts.
- d. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

7. CONDITIONS

This approval is conditioned on: (i) Applicant's provision of a site plan clearly denoting the location of the structure on the Property; and (ii) determination by the County Building Department after an inspection of the Property that the structure is located in compliance with all County regulations, including setback requirements.

8. GENERAL PROVISIONS

- e. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County representatives are authorized to inspect the Property at any reasonable time upon notice to the Applicant.
- f. The Applicant shall comply with all governmental and regulatory agency requirements and permits, including without limitation those promulgated for the protection of health, safety, and welfare of the inhabitants of Morgan County.
- g. Material alterations to the proposed development as set forth in the Application shall require an amendment to this Permit, after hearings before the Morgan County Planning Commission and the Board of County Commissioners. Nonmaterial alterations may be approved by the Morgan County Planning Administrator, upon receipt of a written application requesting approval of the proposed alteration. Whether an alteration is material shall be determined by the Morgan County Planning Administrator.
- h. The Applicant shall comply with all the requirements, conditions and standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 21st day of July, 2015

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

s/ Brian D. McCracken
Brian K. McCracken, Chairman

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey, Clerk to the Board

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Morgan County Planning Administrator John Crosthwait presented to the Board for approval the draft of Resolution 2015 BCC 20, a Resolution Granting a Conditional Use Permit For A Mobile Home On Lot 3, Amended Antelope Creek Minor Subdivision, Located in the SW1/4 Section 36, Township 2 North, Range 60 West of the 6th P.M, Morgan County, Colorado With An Address of 6250 Highway 52, Lot 3, Wiggins, Colorado 80653. Mr. Crosthwait summarized the Resolution to the Board summarizing the first page of the resolution that the Morgan County Planning Commission held a public meeting on June 8, 2015 recommending denial of the application. Furthermore, the Board of County Commissioners held a public hearing Tuesday, July 7, 2015 approving the application. Mr. Crosthwait proceeded to further explain the requirements of the written resolution. He noted that the inspection regarding the placement of the structure has been completed, with both provisions indicated in the resolution being met stating all conditions have been found to be in compliance with Morgan County regulations.

Commissioner Teague made a motion to approve Resolution 2015 BCC 21 as outlined by Mr. Crosthwait noting it does have the approved condition that the site plan comply with Morgan County regulations. Commissioner Zwetzig seconded the motion and motion carried 2-1, with Commissioner Zwetzig voting against. Commissioner Zwetzig asked Mr. Crosthwait to begin the process of reviewing the current regulations and revise them to appropriately fit the needs of this type of structure in Morgan County.

Consideration of Approval – RIGHT OF WAY PERMIT – 2015 PMT 19 – Wiggins Telephone Association

Morgan County Road Supervisor John Goodman presented to the Board for approval, Right of Way Permit 2015 PMT 19 with Wiggins Telephone Association. Mr. Goodman stated this permit is for an installation of fiber optic line from County Road 10, at County Road GG providing the details of the location. This will provide fiber optic service to Sterling Energy Services. He indicated that fees are attached and he has inspected the location and he approves this request. Commissioner Zwetzig asked if Mr. Goodman has notified Quality Water in case they have lines in this location with Mr. Goodman stating they do not have lines in this area; the only other utility provider with lines in the area would be Viero Wireless.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2015 PMT 19 with Wiggins Telephone Association as outlined by Mr. Goodman and authorized the Chair to sign. Commissioner Teague seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 121 – Dave Loves Trains Band

Morgan County Fair Board Secretary Jody Meyer presented to the Board for approval, Contract 2015 CNT 121 with Dave Loves Trains Band. Ms. Meyer stated this contract is for approval to have a band play the night of the Steak Fry at the Morgan County Fair, August 5th, 2015. The amount of the contract is \$650.00 and they will play from 5:00 p.m. to 7:00 p.m. during the Steak Fry. This band has played several times in the past for the County Fair.

Commissioner Teague made a motion to approve 2015 CNT 121 with Dave Loves Trains Band as outlined by Ms. Meyer noting this contract will use County Fair funds in the amount of \$650.00. Commissioner Zwetzig seconded the motion and before matter proceeded to vote, he mentioned. Commissioner Zwetzig noted that this contract is utilizing the form that has been in place since last year and ensures legal compliance. He also noted the steak fry is a great event for the community and indicated it is \$5.00 per adult and allows the community to partake in the county fair festivities. He also recognized Ms. Meyer's efforts and her dedication to the County Fair. The Board proceeded to vote and motion carried 3-0.

Consideration of Approval – BID AWARD – 2015-0716 – Laundry Services

Morgan County Public Works Director Bruce Bass presented to the Board for award, bid 2015-0715, Laundry Services. Mr. Bass stated this bid process was done a bit differently this year as they are now including all the departments into this bid and will be executing one contract for all County departments with each department responsible for their individual departmental costs. He further explained the submitted bid amounts as an estimate to what the County's use is currently. Mr. Bass indicated he received two bids, one from ALSCO Denver Industrial in the amount of \$6,651.32 and the other from G&K Services in the amount of \$10,820.40. Mr. Bass noted that G&K as the current vendor and proceeded to recommend that the bid be awarded to ALSCO Denver Industrial in the amount of \$6,651.32. He further stated this bid has the allowance for an annual contract with up to three additional yearly renewals. Commissioner Teague asked if Mr. Bass had checked references for ALSCO, with Mr. Bass stating he has not, but the County has utilized this vendor in the past and their services have been similar to those of G&K.

Commissioner Teague made a motion to award the bid to ALSCO Denver Industrial in the total estimated amount of \$6,651.32 as recommended by Mr. Bass and authorized the Administrative Services Manager to prepare the necessary contract to fully execute in this matter and be ratified at a later date. Commissioner Zwetzig seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Road Supervisor John Goodman presented to the Board the monthly Road and Bridge Department for July 2015. Mr. Goodman updated the Board stating road crews are finishing up south of Wiggins with County Road 1 almost completed. The crews will be moving to the southwest corner of the County to continue work on those roadways. At this time the bridge crew is installing a culvert on County Road 32 in order to reopen this roadway and will then be working on County Road W.7 to reset a culvert in this location. He further informed the Board that he recently spoke with Aggregate Industries confirming they will begin the paving projects in the near future.

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Commissioners reviewed the calendar dated July 17, 2015 through July 28, 2015 with no changes. Commissioner Zwetzig encouraged all to attend the upcoming NISP hearings that are scheduled this week, providing the location and dates for each hearing.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT PERIOD

There were no citizen comments.

There being no further business, the meeting was adjourned 9:23 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified July 28, 2015)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Brian D. McCracken
Brian K. McCracken, 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, Clerk to the Board