BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
July 7, 2015

The Board of Morgan County Commissioners met on Tuesday, June 2, 2015 at 9:02 a.m. with Chairman Brian McCracken, Commissioner Laura Teague, Commissioner James Zwetzig and County Attorney Jeff Parker in attendance. Chairman Brian McCracken called the meeting to order, and asked Sheriff James Crone to lead the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Ratify the Board of County Commissioners approval of Meeting Minutes dated June 30, 2015
Ratify the Board of County Commissioners approval of Waiver of Fees for Brush Cub Scout Pack 25
Ratify the Board of County Commissioners approval of Waiver of Fees for Morgan County Republicans
Ratify Chairman Brian McCracken's signature on the County Veterans Service Officers-Monthly Report for month of January 2015.
Ratify Chairman Brian McCracken's signature on the County Veterans Service Officers-Monthly Report for month of February 2015.
Ratify Chairman Brian McCracken's signature on the County Veterans Service Officers-Monthly Report for month of March 2015.
Ratify Chairman Brian McCracken's signature on the County Veterans Service Officers-Monthly Report for month of April 2015.
Ratify Chairman Brian McCracken's signature on the County Veterans Service Officers-Monthly Report for month of May 2015.
Ratify Chairman Brian McCracken's signature on the County Veterans Service Officers-Monthly Report for month of June 2015.
Ratify the Board of County Commissioners appointment of Candace Lozano to the Northeast Colorado RETAC Board of Directors.
Ratify the Board of County Commissioners approval of Memorandum of Understanding 2015 CNT 103, Colorado Department of Human Services – Title IVE Waiver Demonstration Project, Term of Contract July 1, 2015 to June 30, 2016
Ratify the Board of County Commissioners approval of Contract 2015 CNT 104, Blake Electric - Electric Work at Fairgrounds, Term of Contract June 22, 2015 until complete
Ratify the Board of County Commissioners approval of Contract 2015 CNT 105, Winstead Construction – Drywall Repairs Justice Center, Term of Contract June 24, 2015 until complete
Ratify Chairman Brian McCracken's signature approving the assignment of debt collections to Wakefield & Associates for Client #111691

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 22 – Supporting Northeast Association of Local Governments Region 1 Zone Designation Application

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2015 BCC 22

A RESOLUTION SUPPORTING NORTHEAST ASSOCIATION OF LOCAL GOVERNMENTS IN THEIR REGION 1 ENTERPRISE ZONE DESIGNATION APPLICATION

WHEREAS, the Morgan County Board of County Commissioners supports North East Association of Local Governments.

WHEREAS, the North East Association of Local Governments Region One has submitted application for Enterprise Zone Designation;

WHEREAS, the Morgan County Board of County Commissioners recognize the positive impact of an Enterprise Zone Designation on economic growth;

WHEREAS, the Morgan County Board of County Commissioners recognize an Enterprise Zone Designation provides tax credits beneficial to rural communities;

NOW, THEREFORE, BE IT HEREBY RESOLVED Morgan County Board of County Commissioners supports the North East Association of Local Governments in their Region 1 Enterprise Zone Designation Application.

APPROVED this 7th 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

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

(SEAL)

ATTEST:

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

Commissioner Zwetzig presented to the Board for approval Resolution 2015 BCC 22, a Resolution Supporting Northeast Association of Local Governments Region 1 Zone Designation Application. Commissioner Zwetzig stated this is a general letter of support in resolution form for NECALG who is wishing to participate in Region 1 Enterprise Zone.

Commissioner Zwetzig made a motion to approve Resolution 2015 BCC 22, Supporting Northeast Association of Local Governments Region 1 Zone Designation Application presented by Commissioner Zwetzig. Commissioner Teague seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 106 – S.H.A.R.E., Inc.

Morgan County Department of Human Services Interim Director, Jacque Frenier, presented to the Board for approval, Contract 2015 CNT 106, with S.H.A.R.E. Inc.. Ms. Frenier stated this program provides services for domestic violence victims and utilizes TANF funds. The contract term is from July 1, 2015 through June 30, 2016 in the amount not to exceed $21,700. Ms. Frenier introduced Jana Sena, Contract Administrator for the Department of Human Services and further stated that all the contracts with TANF will be placed on the State budget year indicating there will be a shift from what has been done historically. Commissioner Teague asked Ms. Frenier to provide data to the Commissioners regarding what has been spent in 2015 so they are able to budget appropriately for the 2016 calendar year. Commissioner Zwetzig asked County Attorney Jeff Parker regarding the shift in the term of the contract with Mr. Parker stating the contract must include the appropriation clause in order to be valid.

Commissioner Teague made a motion to approve Contract 2015 CNT 106 with S.H.A.R.E. Inc. as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 107 - S.A.R.A., Inc.

Morgan County Department of Human Services Interim Director, Jacque Frenier, presented to the Board for approval, Contract 2015 CNT 107, with S.A.R.A., Inc. Ms. Frenier stated that this program provides services related to sexual abuse and assault victims and utilizes TANF funds. The contract term is from July 1, 2015 through June 30, 2016 in the amount not to exceed $25,000. Ms. Frenier further stated the term again switches from the January 1 thru December 31 calendar year following the State budget year. Commissioner Zwetzig asked if this amount matches what has been budgeted for the 2015 calendar year, with Ms. Frenier stating it does match what has been budgeted and Ms. Sena stated the amount was divided in half and the Department will monitor the expenses starting January 1, 2016 to assure the appropriate expenditures are being allocated.

Commissioner Zwetzig made a motion to approve Contract 2015 CNT 107 with S.A.R.A., Inc. as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Teague seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 108 - Morgan County Family Center

Morgan County Department of Human Services Interim Director, Jacque Frenier, presented to the Board for approval, Contract 2015 CNT 108, with Morgan County Family Center. Ms. Frenier stated that this program provides child care resources, referral services, quality improvements and emergency services and utilizes TANF funds. The contract term is from July 1, 2015 through June 30, 2016 in the amount not to exceed $60,000. Ms. Frenier further stated this is divided among three programs, Child Care Resource Referrals in the amount of $10,000, Quality Improvements $15,000 and $35,000 towards Emergency Assistance.

Commissioner Teague asked if these contracts should supersede the contracts that have been approved by the Board. It was clarified that those original contracts were only approved for January 1, 2015 through June 30, 2015.

Commissioner Teague made a motion to approve Contract 2015 CNT 108 with Morgan County Family Center as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 109 - Morgan County Early Childhood Council

Morgan County Department of Human Services Interim Director, Jacque Frenier, presented to the Board for approval, Contract 2015 CNT 109, with Morgan County Early Childhood Council. Ms. Frenier stated that this program provides quality improvement tools to families and providers and utilizes TANF funds. The contract term is from July 1, 2015 through June 30, 2016 in the amount not to exceed $10,000.

Commissioner Teague commented for those people who are unaware of how we decide to spend these TANF funds, all of these non-profits or organizations meet with the Board during the budget cycle and prove up to the Board their programs and how they're going to account for the dollars. Ms. Frenier also included that the Department of Human Services also provides staff that assists with all of these programs in the expenditures and monitoring of the allocated funds.

Commissioner Teague made a motion to approve Contract 2015 CNT 109 withMorgan County Early Childhood Council as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 110 - Baby Bear Hugs

Morgan County Department of Human Services Interim Director, Jacque Frenier, presented to the Board for approval, Contract 2015 CNT 110, with Baby Bear Hugs. Ms. Frenier stated that this program provides services to new mothers as well as any families with children 0-3. There are also some programs for children up to age five. This contract uses TANF funds. The contract term is from July 1, 2015 through June 30, 2016 in the amount not to exceed $12,500. Ms. Frenier clarified this program is for any TANF eligible family with children from the age of newborn to the age of three.

Commissioner Teague made a motion to approve Contract 2015 CNT 110 with Baby Bear Hugs as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 111 - Morgan Community College Adult Education Program

Morgan County Department of Human Services Interim Director, Jacque Frenier, presented to the Board for approval, Contract 2015 CNT 111, with Morgan Community College Adult Education Program. Ms. Frenier stated that this program provides classes through the adult education program and utilizes TANF funds. The contract term is from July 1, 2015 through June 30, 2016 in the amount not to exceed $15,000. Ms. Frenier further stated they have historically followed this same term of the contract in the past.

Commissioner Teague made a motion to approve Contract 2015 CNT 111 with Morgan Community College Adult Education Program as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 112 - Morgan Community College Adult Education Program

Morgan County Department of Human Services Interim Director, Jacque Frenier, presented to the Board for approval, Contract 2015 CNT 112, with Morgan Community College Adult Education Program. Ms. Frenier stated that this program provides classes through the adult education program and utilizes Employment First funds. The contract term is from July 1, 2015 through June 30, 2016 in the amount not to exceed $6,000. Ms. Frenier further stated the Employment First includes recipients who do not have families, so they are not eligible for TANF funds.

Commissioner Teague made a motion to approve Contract 2015 CNT 112 with Morgan Community College Adult Education Program as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Consideration of Approval – CONTRACT – 2015 CNT 113 - Signal Behavioral Health Network

Morgan County Department of Human Services Interim Director, Jacque Frenier, presented to the Board for approval, Contract 2015 CNT 113, with Signal Behavioral Health Network. Ms. Frenier stated that this program provides substance abuse treatment services and utilizes CORE funds. The contract term is from June 1, 2015 through June 30, 2016 in the amount not to exceed $16,700. Ms. Frenier further stated this is a 100 percent state funded allocation to the County. She explained the CORE contracts are one month ahead of the others given the way the funding is allocated and expended. She explained that Signal Behavioral Health Network contracts with Centennial Mental Health Center and explained that by using Signal Behavioral Health Network it allows the County to utilize CORE funding which requires AFS funding. She stated the other contract with Centennial Mental Health Center is for those clients who are outside of the CORE funding allocations for substance abuse treatment.

Commissioner Zwetzig asked the question about the City of Fort Morgan who has seen an increase of substance abuse among juveniles, with Ms. Frenier stating there has been a trend indicating an increase in use explaining it could be linked to the legalization of marijuana and the ability to access. She explained they do utilize Centennial Mental Health Center and other agencies for substance abuse. Commissioner Zwetzig stated that it has been asked if it ties back to the legalization of marijuana sales in the Town of Log Lane, with Sheriff Crone stating that could be possible. Ms. Frenier stated she has seen this become a generational issue and explained this is her philosophy about the substance abuse.

Commissioner Teague made a motion to approve Contract 2015 CNT 113 with Signal Behavioral Health Network as outlined by Ms. Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded the motion and motion carried 3-0.

Consideration of Approval – MEMORANDUM OF UNDERSTANDING – 2015 CNT 114 – Colorado Department of Human Services

Morgan County Department of Human Services Interim Director, Jacque Frenier, asked Melissa Acosta who manages these programs to assist her in the presentation. This is for the Colorado Works Child Care Assistance program. She explained this program helps to implement and administer above programs and utilizes Colorado Works/Child Care Assistance program funds. The contract term is from July 1, 2015 through June 30, 2016 in the amount of current allocation prices.

Commissioner Teague asked Ms. Acosta to summarize a meeting that they had last week with Ms. Acosta explaining this MOU goes to two different programs, one being Colorado Works and low income Daycare Program. Commissioner Teague states they both agreed the County is under expending and the day rate needs to be increased. They are looking at attempting to reach out to providers who are not currently working with the Department and in turn increase the poverty level to reach out to additional clients so are hopeful to increase the child care rates that are being paid to providers to assist with this. This will get more people back into the workforce.

Commissioner Teague made a motion to approve Contract 2015 CNT 114 with Colorado Department of Human Services as outlined by Ms. Frenier and authorized the Chair to sign as necessary. Commissioner Zwetzig seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated July 3, 2015 through July 14, 2015 with changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT PERIOD

Fort Morgan Times Editor, Thomas Martinez 518 Lake Street Fort Morgan, introduced the Fort Morgan Times News Reporter, Stephanie Alderton who will be covering agricultural issues, the Wiggins area, the Courts and Law Enforcement. Ms. Alderton spoke explaining she graduated from Metro State last year and she has been writing for the Fence Post the last few months and has worked closely with agricultural issues.

At this time, Chairman McCracken recessed the meeting at 9:32 a.m. until the scheduled Public Hearing at 9:30 a.m.

PUBLIC HEARING

Application for Special Use Permit to install 2.1 miles of 20" crude oil and condensate pipeline located in Sections 31 and 32, Township 1 North, Range 60 West of the 6th p.m. Morgan County, Colorado.

The hearing was called to order by Chairman Commissioner McCracken at 9:37 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Brian McCracken, Commissioner Laura Teague and Commissioner Jim Zwetzig. Also present were John Crosthwait, Planning Administrator; and County Attorney Jeff Parker.

APPLICANT: SADDLEHORN PIPELINE COMPANY, LLC
LANDOWNERS: 4K Farms, LLC; Stacy Marie Nadow; Kristopher J. & Jessica M. Musgrave; Steven J. & Robin Sorenson; and Carl Wayne & Blanche Marie Lane

John Crosthwait presented the file indicating this application is for construction of a 20" crude oil and condensate underground high-pressure pipeline with hoop strength greater than 20%. The proposed pipeline project in Morgan County will be approximately 2.1 miles in length, and will generally parallel two existing pipelines. This pipeline will transport oil produced in Colorado, beginning in Platteville, Colorado and terminating in Cushing, Oklahoma. This pipeline route will traverse Colorado, Kansas, and Oklahoma. This pipeline will ease the rail car and truck transporting of crude oil to the storage facility in Cushing, Oklahoma as the oil refineries and pipelines for crude oil in Colorado are currently over capacity. This crude oil stored in Oklahoma will ultimately be transported around the country to refineries to meet market demands, and consequently rely less on foreign oil imports.

Due to the rather remote location of the pipeline, there will be little or no impact to anyone other than the actual landowners whose land is being crossed. All areas disrupted by construction of the pipeline must be revegetated to its original condition, paying close attention to road and fence crossing.

Construction is slated to begin in 4th quarter of 2015, with the majority of the construction within Morgan County to take approximately 6 weeks. A Right of Way Road Crossing Permit has been obtained from the Morgan County Board of Commissioner to trench across Morgan County Road A. Two Floodplain Development Permit applications have been received in this office for crossing Rock Creek and Antelope Creek. Mr. Crosthwait stated that the Recorded Right of Way Easements have been received by the Planning Office. He also informed the Board that all appropriate notices, posing and publication requirements have been met. The pipeline will cross only

Agriculture Zones. At this time, Mr. Crosthwait recommended approval of the Special Use Permit for Saddlehorn Pipeline.

Chairman Brian McCracken then asked the applicant if they wished to speak with applicant John Stanfield who works for Magellan 1 William Center, Tulsa Oklahoma and Chelsea Miera with IS Solutions indicating they were there to represent the application. Mr. Stanfield spoke further about the handouts provided to all board members. He stated that Saddlehorn is in joint effort with Anadarko and Plains with Magellan being the constructor and the operator of the pipeline. He stated they supply jet fuel to DIA explaining they have existing pipelines in the State already. He further stated they operate the pipeline and summarized the company's responsibilities.

He stated the pipeline will run from Platteville, CO to Cushing, Oklahoma with the total miles of the pipeline being 540 miles. He further explained that the State of Colorado is not able to meet the demand of oil productivity, therefore, this pipeline being an asset to the State.

He stated they are looking at 200,000 barrels of oil per day up to 400,000 if needed in the future, stating further some of their safety programs they have in place include, DOT 195, with Magellan having their own guidelines in place that meet or exceed the DOT 195 guidelines. He summarized some of the requirements they have in place to assure safety. He also summarized the analysis and testing they will conduct to avoid issues before they should occur.

Chairman McCracken asked about the floodplains that may be crossed, with Mr. Stanfield stating they do go deeper in these areas, and have looked at additional data to be sure they are boring deep enough given erosion and other issues. Commissioner Teague asked about the pipeline to DIA as that being 100 percent of their use, with Mr. Stanfield stating yes, it is. He further indicated that most airports receive their fuel through a pipeline given the high usage. He further stated that most do have backup storage tanks located at the airport for five to seven days of usage in case there would be an issue with the pipeline.

Commissioner Teague asked how often maintenance is done to protect the integrity of the pipeline. Mr. Stanfield stated that at this time they are running cleaning tools every two weeks, smart tools every five years and explained the range of testing that is done. Magellan also has a 24/7 operations center in Tulsa that monitors the pressure in the pipeline, which would be able to send out notification immediately of any issues or abnormalities that may occur. He further summarized what training is involved and how the staff members that are responsible for these safeguards have received their knowledge in how to maintain the safety and integrity of the pipeline.

Commissioner Zwetzig questioned about the right of ways and the need for permits for potential right of ways in case the County needs to extend a county roadway or construction in the future. County Attorney Psrker explained that today's approval will be for the pipeline in general and if there should be a condition for right of way permits, that would be part of the construction permit. Commissioner Zwetzig mentioned the possibility of extending County Road A and prior conversations regarding the benefit of this to the County so how should the County act today in regards to the approval of this special use permit. County Attorney Parker stated the special use permit today could be approved with the condition that the permit for right of ways is applied for. Further discussion followed regarding how County Right of Ways should be handled with County Attorney Jeff Parker stating that the County has its right of way in place on property within the County. He further stated that Saddlehorn would need to obtain permission to use or cross our right of ways the same as they obtained permission from landowners to cross their property for the pipeline. Mr. Stanfield stated it would not be an issue as long as they understand exactly what is needed to protect the County.

Commissioner Zwetzig reviewed the survey in an attempt to research what location would involve the County Road issue.

Mr. Crosthwait stated that the County Right of Ways which are owned by Morgan County is in existence and Morgan County does have mutual agreements with adjoining Counties. Commissioner Zwetzig stated he wishes to have this followed up on given it is the Board's intent to be sure and protect the County's Road Right of Ways. Commissioner Zwetzig further asked if they have had any major pipeline failures with Mr. Stanford stating they can provide leak data to the Board if they would choose to see that information and explained they do attempt to mitigate any issues as much as they can. Ms. Miera stated that pipelines are the safest and most economic way to transport crude oil. She stated this will also solidify their base in Colorado explaining the economic development side of oil and gas, helping Colorado to protect and maintain their oil and gas supply within our State.

Commissioner Zwetzig asked about acquiring the permits, with Mr. Stanford stating they are about 94 percent completed in obtaining the pipeline right of ways and looking at construction to begin around October 1st. Further information followed indicating at the Planning Commission hearing there were union supporters present who were not affiliated with the Company.

Commissioner Zwetzig also stated as far as economic development, what kind of job opportunities are there. Ms. Miera stated that Morgan County has a rather short pipeline that will run through the County, about $17,000 per mile per year depending on the mill levies on the route. She stated that Morgan County will receive the tax benefit from construction given construction crews in the area, utilizing motels restaurants and gas stations and utilizing Morgan County as a possible base for the surrounding counties.

Ms. Miera further stated the other thing they do to maintain the agriculture development of the counties is to construct outside of harvest season, explaining the reason they are looking at the October/November timeline. The cost of the pipeline is about 1 million dollars per mile making this s 540 million dollar project, with the entire project cost being 820 million dollars. Mr. Stanfield stated the station itself is located in Platteville and is

approximately a sixty million dollar project with the pipeline being about a 100 million dollar project in total. The regulatory costs in Colorado are better that those in Kansas and Oklahoma as per Ms. Miera.

Mr. Stanfield stated they have a detailed plan for basically planting when they come back to mitigate what land has been destroyed during the construction phase to assure the land is placed back to the quality it was originally. He stated it is detailed in the plan and given to the contractors. With the contractors, the reclamation plan is put in place which details the timelines and requirements. Mr. Stanfield stated that the majority of the landowners do specify exactly what they want for reclamation purposes, but they do have a specific plan in place.

Mr. Crosthwait stated a couple of items that he felt would be of interest to the Board, explaining they are constructing this interstate pipeline, will it be constructed consistently throughout all areas, asking them to explain the strength of the pipeline, and will it be constructed similar or identical throughout all the States. Mr. Stanfield stated thy have specific construction standards, explaining that there are different requirements for different areas that they are constructing the pipeline to assure the strength and integrity of the pipeline. He also stated Morgan County will not have any valves.

Commissioner Zwetzig asked about the water necessary to test, with Mr. Stanfield stating they will work with landowners to purchase water from them to hydro test the pipe and afterwards the Contractor is responsible for testing and returning the water and can also get discharge permits from landowners as well. Commissioner Zwetzig asked if they will be crossing any watershed protection areas, with Mr. Stanfield stating not that he is aware within Morgan County.

Ms. Miera stated that the pipeline is all American steel being rolled out across these States and it was explained that they have inspectors who work in the United States and if the pipe does not meet their standards, it is not allowed.

Chairman McCracken then opened the matter for public comment asking for anyone who would like to speak for or against the matter. Mr. Crosthwait stated that he did receive two phone calls from an individual who owns property wanting to be sure that he had done everything required mentioning the sign posting requirement. Mr. Crosthwait stated as planning staff they would ask the representatives here today to respect the land owner's fences, their livestock and ranching operations since in this area fence issues are a huge concern for landowners.

County Attorney Parker suggested the condition the applicants file for all permit requirements in crossing the County Right of Ways.

Chairman McCracken stated after no further comment, he opened the matter for discussion and decision mentioning the Resolution as being Resolution 2015 BCC 20

Commissioner Teague made the motion to approve Resolution 2015 BCC 20 approving the application for Special Use Permit as outlined, with the condition to include the applicant is required to comply with all county permitting requirements including obtaining permits for crossing all County Rights of Ways, with Commissioner Zwetzig seconding the motion. Motion carried 3-0.

Commissioner Zwetzig wanted to thank Magellan for their up front and approach providing the County with all their information

PUBLIC HEARING

Application for a Conditional Use Permit to place a mobile home (mini home) as a residence, located in Lot 3, Amended Antelope Creek Minor Subdivision, located in the SW1/4 of Section 36, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, located at 6250 Hwy 52, Lot 3, Wiggins, Colorado 80654.

APPLICANT: RANDI PIEPHO
LANDOWNERS: RANDI PIEPHO

John Crosthwait presented the application to the Board indicating the following information. Mr. Crosthwait stated this is an Application for a Conditional Use Permit to place a mobile home (mini home) as a residence, located in Lot 3, Amended Antelope Creek Minor Subdivision, located in the SW1/4SW1/4 of Section 36, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado, located at 6250 Hwy 52, Lot 3, Wiggins, Colorado 80654. Antelope Creel Minor Subdivision was approved on July 5, 2006 via Resolution BCC 39. The Antelope Creek Minor Subdivision was amended on September 23, 2008 to move the access for Lots 2, 3, and 4 from the North side of the Minor Subdivision to the South side of the Subdivision. Apparently there was insufficient room for the 40 foot access on the North side of Lot 1 due to existing structures. The access for Lots 2, 3 and 4 is now located on the South side of the Subdivision.

Mr. Crosthwait indicated this application is a request for a Conditional Use Permit to place a mobile home (mini home) as a residence for the applicant's mother to live in. This application is a result of an enforcement action taken in a letter dated March 18, 2015, as the home was already placed prior to a permit issued from the Morgan County Planning and Zoning office. Lot 3 contains approximately 10 acres. Lot 3 is assigned Morgan County Quality Water District water Tap #2632, and an installed septic system permitted through the Northeast Colorado Health Department bearing permit number M15-01. He further stated that all appropriate notices, publications and postings have been met. Taxes are current. Property is zoned "A" Agriculture. Portions of all four lots are within the floodplain.

Mr. Crosthwait stated there were numerous objections either in testimony or letters at the Planning Commission, as well as letters and public testimony in favor of the Conditional Use. On May 11, 2015, the Planning Commission

voted to deny the application, stating that they had concerns with the access to the Lot, and it had the appearance of the Antelope Creek Minor Subdivision turning into a trailer park. The Restrictive Covenants of the Antelope Creek does not allow mobile homes (trailers). The Restrictive Covenants allow manufactured double wide UBC homes with a minimum 4/12 pitch roof and placed on a permanent foundation. Homes must also have a minimum of 1500 square feet on the floor level.

Mr. Crosthwait indicated that it must be noted that Randi Piepho presently owns all four lots within the Antelope Creek Minor Subdivision. Morgan County Planning and Zoning does not enforce the Restrictive Covenants of any subdivision.

Mr. Crosthwait further stated that Section 3-175 Agriculture Zone Conditional Uses (P) does provide for "Mobile Homes used for any purpose including primary or accessory residences (one per parcel). A Mobile Home placement permit must be obtained in all cases".

Mr. Crosthwait indicated that Planning and Zoning staff does agree with the Planning Commission that the access to the lots, including Lot 3 is inadequate due to the fact that it does cross the Antelope Creek, and the access is prone to flooding, making emergency service access a safety issue. The access should be required to be relocated via an easement north and across Lot 1 to allow for all weather access, or improve the crossing of the Antelope Creek.

Mr. Crosthwait stated that Morgan County Planning and Zoning will recommend approval of the requested Conditional Use Permit due to the above mentioned Section 3-176 (P) provision of the Morgan County Zoning Regulations, and the fact that the applicant and landowner presently owns all four lots of the minor subdivision, and has the ability to amend their Restrictive Covenants to allow the placement of this mobile home (mini home). The Morgan County Planning staff also would recommend that the approval be conditioned on relocating the access to a more safe and suitable location to the north, and out of the Antelope Creek floodplain. Another option would be to acquire engineered flow calculations and install an appropriately sized and secured culvert in the present location of the Antelope Creek. This option will require a floodplain development permit. The Restrictive Covenants must be amended to allow the mobile home, and that the applicant acquires a mobile home placement permit. The issue of the accumulation of junk as sited in some of the objections will be treated as a separate enforcement issue.

At this time, Chairman McCracken opened the matter up to the applicant asking her if she wished to speak. Ms. Randi Piepho was present to represent this application.

Ms. Piepho provided her name and address 6478 Highway 52 Wiggins CO, and further explained the situation that she has incurred given her mother's relocation explaining why she moved this structure onto her property. She stated that Andy Blake did come on site and had inspected the setbacks, and was waiting on the septic and she was told to wait until the final inspection and did not see any issue with a trailer home being placed on the lot. When she was informed there was an issue, the structure had already been purchased, and she was not able to get her money back.

Commissioner Teague asked about the Lot 4 mobile home if it was placed with appropriate approval with Mr. Crosthwait stating yes, it has been and Commissioner Zwetzig asked to verify the information about Ms. Piepho statements regarding Mr. Blake, with Mr. Crosthwait stating he believes that to be true. Mr. Crosthwait stated that any administrative matter to be approved requires the signing off from all adjoining landowners, and Ms. Piepho did believe she had done what was necessary to proceed. Given the Planning Administrator received an objection and Ms. Piepho had not filed a complete application, he was required to send this to public hearing and the adjoining landowner criteria changed to a quarter mile criteria.

Commissioner Teague asked about the access and the question of access to the four lots, with trying to figure out the access was not considered or approved at that time, and how to change the original resolution. Mr. Crosthwait stated the original resolution cited had the access on the north side of the subdivision, the original applicant being Mr. Kauffman. Due to the existing residence, and improvements, it was found to be inadequate between the property line and their residence, and then had to obtain access from CDOT on Highway 52. Mr. Crosthwait stated the access was amended by plat to move the access to the South where it is located at this time. County Attorney Jeff Parker stated that the only way you can change the access since it has already been approved, would have to be based upon a link between this applicant and the access point being an issue for this special use permit.

Commissioner Teague stated that one of the letters refers to the restrictive covenants and how these restrictive covenants are affecting the value of property. Commissioner Teague stated that is not the County's jurisdiction to govern those covenants with County Attorney Jeff Parker stating that is correct; those are private matters amongst the landowners of the subdivision. That would become a civil matter privately, the County is not to decide whether or not the covenants are appropriate and not in the criteria of our land use regulations and further stressed the covenants are a private matter.

Commissioner Teague further clarified the consideration today is the placement of a mobile home. County Attorney Jeff Parker stated that is correct citing the land use regulations.

Commissioner Zwetzig asked about the land use code surrounding the mobile homes with County Attorney Jeff Parker stating that our code which covers this issue is most similar to the definition of a mobile home citing the land use regulation number. Mr. Parker further clarified the land use code explaining each requirement explaining why he believes this best fits the mobile home classification. Commissioner Zwetzig asked about State inspections required on HUD home, and manufactured homes, with County Attorney Jeff Parker stating HUD has a building code in place that the State enforces explaining the structure will have a stamped certification. He further explained that modular homes which are built as modules on site.

Commissioner Zwetzig stated his problem with this is the property that is stick built, our building inspector will be assuring the structure is built to the high standards and this structure in question is not being inspected by anyone. Commissioner Zwetzig wants to be sure to treat all homes being built in the County the same. County Attorney Parker stated the question is does it fall into the four categories, Mobile Home, Manufactured Home, Modular Home or an RV or is it something different. If it is something different, anything not allowed in this code is not allowed in the County's jurisdiction. He believes they are reviewing the standards and indicating this is as close to a mobile home.

Mr. Crosthwait mentioned he has spoken further with his employee, Dustin Heid. He further asked him to address this matter to the Board of information he retrieved yesterday. Chairman McCracken stated it does not look like an RV when he drove by to look at the structure.

Dustin Heid, Morgan County Building Inspector, spoke indicating that he did spend time looking up information regarding this structure and stated he spoke to Steve with Little Log Homes, who has stated his homes built in Alabama meet the ASNI 119.5 standard which is basically how manufactured homes are built. He stated that the homes are shipped from Alabama to Colorado and are built above this standard explaining the tresses and floor joists where 2X6 and were upgraded to 2x8 construction, the walls typically having been installed in a 2x4 form have been upgraded to 2x6, with the insulation having been upgraded as well. Mr. Heid stated it was his opinion that these particular homes meet the ASNI 119.5 standards as well as the manufactured home standards. Commissioner Zwetzig asked if a person would come in asking for a building permit would he approve it, with Mr. Heid stating it would require a mobile home permit and it would require a Special Use Permit and explained that the County does not restrict the placement of a mobile homes, however some covenants may restrict that. Commissioner Zwetzig is asking if is a safe structure that should be allowed to be constructed on County property which is his concern. Commissioner Teague asked if there is a way to inspect the home to assure the ASNI 119.5 standards, with Mr. Heid stating he is not familiar himself with these standards, but he could perform a mobile home placement inspection, checking its tie down, and its foundation placement.

Chairman McCracken asked if Andy Blake had come back and done any kind of inspections after it was placed with Ms. Piepho stating that he did not, he was already gone at that time. Ms. Piepho stated these are built more for the mountain areas, and stated she had done much research and understands they are ASNI 119.5 certified. Mr. Heid stated these structures do meet the wind and snow loads required here in Morgan County.

Chairman McCracken opened the matter for public comment asking for anyone who would like to speak for or against the application.

Becky Schmidt, works with Gateway Realty in Wiggins, 6250 Highway 52, Lot 4, Wiggins, which is located directly to the east of the property in question. She stated from a personal standpoint, she does not believe the structure is an eyesore or nuisance stating it has been kept clean. From a real estate perspective, she believes even though the structure had not been permitted appropriately, she believes it does add value and potential for resale given they placed quality water, and electric was placed underground and the septic placed was permitted for a larger home. She believes in her opinion, even though it was placed without approval prematurely, she does not believe it would be necessary to make them move it feeling it does not create any issues. She again stated she does not believe it is hurting any of the surrounding properties indicating she believes the owner has done a very good job in placing of the structure.

Mason Holmes, resides at 6478 Highway 52 Wiggins CO, Ms. Piepho's oldest son appeared at the podium and stated he is here to speak in favor of the applicant. He stated that he is being trained to be a paramedic and explained in speaking with his mom and stepdad for anything the County would need for either entrance to meet the County regulations to make it safer, they are willing to do that. He mentioned the south entrance and the creek which flows through this area, given the flooding events in the last two years, it has become a problem. He stated they have discussed making a change. He further stated they have had an ambulance and semis that have been on this property and it has not been an issue up to this point but if there is an issue, he stated they are willing to do whatever needs to be done.

Commissioner Teague asked County Attorney Jeff Parker if the two 1000 year flood incidents place any question about the access, with Mr. Parker stating he believes it could be taken into consideration. Ms. Piepho stated there is a driveway that goes all the way around the residence north to south.

Pamela Armstrong, 6504 Highway 52, Wiggins, stated her house is across from the structure in question and stated she does not see why there is a problem. She stated they keep the area clean and encouraged the Board to approve.

Brad Yoder, 5245 County Road G, Wiggins, CO spoke asking if there is a square footage minimum being placed on homes in Morgan County. Mr. Crosthwait stated there is not a minimum in the building codes, there is in the restrictive covenants in this particular issue. He stated there is anything from 700 square feet to 9000 square feet in the County

County Attorney Jeff Parker stated there is a mobile home square footage requirements being 8 feet by 32 feet, with this structure being 399 square feet.

Mr. Yoder stated he does not see how this structure being placed here could not hurt the value of their homes in this area. He feels this mini home, which he considers being a trailer, or a mobile home as it has been stated, could not hurt the values of homes in the County. He stated that he did provide information to the Planning Commission indicating the value of the homes in the area and the ranges. He stated that he would like to know what this home is really worth, with his belief it is about $35,000 which does hurt the value of the surrounding properties. His concern is the next thing that will happen is the County will have a trailer park and he feels the County needs to ask the

applicant to move the structure, given these issues as well as the applicant failing to follow the County protocol regarding County regulations and asked the County to have Ms. Piepho remove the home.

Commissioner Zwetzig asked where he is located with Mr. Yoder stating to the south of the residence, with Commissioner Zwetzig providing some names, with Mr. Yoder agreeing Geiger is one he recognized.

Mr. Crosthwait stated the amended plat regarding the access was done in 2008, with Yoder stating when that hearing occurred, he did appear and spoke against the approval of the amended plat, explaining the creek had never flowed through this area, but it does not mean that it won't flow and expressed his concerns about emergency vehicles accessing the property.

Scott Piepho, Ms. Piepho's husband 6478 Highway 52 Wiggins CO, stated "as Mr. Yoder just stated, the little lodge is driving the property values down" explaining that the appraisals from when they first purchased the property and their values have not decreased explaining how the appraisals and property values are based. He explained that they did place a septic for a five bedroom home, explaining the little lodge house septic was built for a four bedroom home. Now that they own all the lots, the covenants will be changed. He would like to take Lot 2 out of the equation and explained they would no longer have Lot 4. He stated as far as the access, they have semis access the property, stating if there was ever an emergency they could use their other driveway or utilize the driveway of their neighbor, the Armstrong's. He explained their driveway is to the south of their home.

Mr. Piepho further spoke about the covenants, explaining the lodge has a 2/12 pitch on part and a 6/12pitch on another part. As far as passing codes, he is sure it will pass; he would not have purchased this without it passing codes. He stated that he feels very fortunate to have been able to bring Ms. Piepho's mom back to live there as she has been homeless and asked the Board to approve.

Brandon Sweetman, 5267 County road G Wiggins CO, spoke stating his concern with the application is the same without getting permits for this project, and asked, "would it be okay to start placing homes without permits on his 20 acre lot?" He stated that they each have 20 acre lots, what is it to say that people cannot go and do what they want. He feels it will potentially hurt others in the County. He further spoke about the concern he has with them placing whatever they want to place, given the square footage, and what is stopping him from putting a toilet and shower in his shop and making that a residence. He again stated by the Board approving this, will allow a loophole for others to follow this same process without approval and for that he is against the application.

Sharon Erker, 4932 County Road 1, Wiggins spoke stating she does not live in the boonies, they live in the country and stated they are neighbors of the applicant. She stated it is amazing what the applicants have done with their residence and property and feels the County has done a great job with their permit process. She believes this situation was a misfortune that the building inspector, Andy Blake was unable to finish up. She does not believe this will start something; the County does take care of matters appropriately and further stated She is in favor of the applicant.

Ester Lingo, 3882 Road 1, Wiggins, spoke stating she did work with Randi and Scott Piepho in regards to the financing plans for this structure. She stated that she did speak with Andy Blake many times, and wanted to assure the Board that what Ms. Piepho has stated is correct. She stated they have worked with many individuals within the County as to the recording and processing of the title of this structure, the assessor's office regarding the taxation, etc and no one had stated there were any issues.

Commissioner Teague asked about the financing, with Ms. Lingo stating it mainly had to deal with the titling of the structure as to how the financing was done. The structure will remain titled as a mobile home.

Commissioner Teague clarified that the mobile home regulations indicate square footage of a minimum with County Attorney Jeff Parker clarifying it is to be 1 family dwelling unit is at least 8 feet in width and 32 feet in length. The application for this structure is 11x35 and does meet this requirement. Mr. Crosthwait clarified this structure is not a second residence on any of the lots; it is a separate residence on a separate lot.

At this time, Chairman McCracken closed the public comment portion of the hearing and opened it for discussion and decision.

County Attorney Parker read aloud the criteria required for this special use permit as outlined by the Land Use Regulations. He summarized A through D to the Board by reading aloud each one.

Commissioner Teague asked if there are conditions that can be placed on a mobile home placement permit, and those would be ones that are conditions that would create an impact. County Attorney Jeff Parker stated yes there could be conditions.

Mr. Crosthwait stated he did contact FEMA about floodplain development if they would be required to upgrade the crossing and that is a significant issue. He stated that the floodplain development permit would have to be issued with the involvement of FEMA. The Planning Commission stated it should be built up and Mr. Crosthwait stated that is not an option. He further summarized his discussion with Jamie Prochno who is his contact at the Water Conservation Board level for floodplain issues and she stated if there are constructions within the floodplain area, there are many requirements.

Commissioner Teague asked about the original access on the south side would require CDOT approval with Mr. Crosthwait stating in looking through prior documents, the initial approval of the Antelope Creek subdivision did have approval from CDOT but had to relinquish the other driveway, and further stated what occurred during that approval process. It was clarified that the driveway to the north also serves access to the properties to the east with

Ms. Piepho explaining how the driveways are structured. Commissioner Teague again asked about the driveway access, with Mr. Crosthwait stating there is no easement on the driveway for the adjoining landowners. Lot 1 has its own access from Highway 52 which was granted by CDOT.

Commissioner Zwetzig stated he is still questioning the comments about the road, and the fact that the Board can make a condition. County Attorney Jeff Parker stated that the County cannot come back and require the driveway to be changed given it has already been constructed with prior approval but if the County does find the house being built on Lot 3 and access somehow is not appropriate for this use, and to make it safer or more compatible for this structure, they could make a condition but they cannot use this application to require the access to be moved. The Board would have to decide if this one structure will change the impact for the other homes.

Commissioner Teague stated the one big thing is if this is meeting the standards of the mobile home requirements and feels this is ahead of the industry. County Attorney Parker stated if the first step taken is the structure does not meet the criteria given in the land user regulations then the Board would not continue to step 2. If they do feel it qualifies as one type, then it can move to the conditional use permit approval process.

Commissioner Zwetzig reviewed the regulations, and stated that A indicates the clear picture of the building, which is clear to him, it is built and they are able to see the structure. B is the layout, are the setbacks correct, which this applicant does meet. Mr. Crosthwait stated to be clear that Andy Blake had conducted a site visit, and this has not been discussed since he was in transition, and he has not gone out personally onsite given the situation this process was involved in hearing, he did not want to make any appearance of any approvals or anything that could be misconstrued.

Mr. Crosthwait did go out to the property given there was a couple of zoning permits, one for an addition to a shop building and another was for a zoning permit on Lot 1 for a pole building and setbacks were checked on these. He explained the process they would use for an application such as this and how the setbacks would be checked.

Commissioner Zwetzig asked if there is knowledge of the location of the structure that it is located on Lot 3, with Ms. Piepho stating that was reviewed when Andy Blake came out to the property and had approved the setbacks and they had staked the location out. Mr. Crosthwait stated he has not looked at the method of tie down of the structure, and if the pylons were placed by a private contractor and asked that this be subject to approval.

Commissioner Teague asked about the penalty for those who have applied for permits after the fact with Mr. Crosthwait stating the application fee in the past has been doubled and believes it has happened before when it has been caught by enforcement or complaint. County Attorney Jeff Parker stated that one of the risks of doing something without prior approval, it could be required that the structure be torn down. Mr. Parker further stated that most local governments make the applicant go through the process or if they fail to do so it is required to tear down the structure. Mr. Parker also explained penalties can be enforced that way as well.

County Attorney Jeff Parker further explained that if our code does not provide for penalties, then it would be difficult to require the penalty without it being included. Commissioner Zwetzig stated the County does have a court case pending regarding a party who has not complied with the policies and stated the unique situation given regarding this application is the prior building inspector had been onsite and the issue is with that process.

Mr. Crosthwait explained a zoning violation in the Brush area of a floodplain and the foundation was poured, the Planning and Zoning Administrator did require the basement to be filled in and raised given the floodplain area which was a significant penalty to the landowner.

Commissioner Zwetzig then mentioned the fourth criteria as if the use is compatible with the zoning and use of the surrounding area. Commissioner Zwetzig believes they have established the mobile home, and it requires the permit which gives the public the right to make public comment and believes that is what this application is coming down to given the support and the objection to the application.

Commissioner Zwetzig shared his concerns about the zoning regulations that require a square footage for a mobile home but not for a stick built home with County Attorney Jeff Parker explaining a stick built home requires additional structure enhancements.

Commissioner Teague stated that she believes that given Lot 4 was approved prior for a mobile home placement that it does meet the criteria in number 4.

Mr. Crosthwait stated that a conditional use permit is a requirement for areas located in the agricultural zones, with special use permits being required in other zones with that being a higher mark.

Commissioner Teague moved to approve the Conditional Use Permit to place a mobile home on Lot 3, outlining the legal description and details assigning Resolution 2015 BCC 21 with the conditions being placed that the conditional use permit meet the design standards set forth in the code including set back requirements are met and confirmed. Chairman McCracken seconded the motion. Commissioner Zwetzig stated he does not believe they can make any additional condition for road or access change and believes that the landowners may want to do this on their own. Commissioner Zwetzig stated his concern is regarding whether or not it meets the criteria of whether or not it meets the conformity of use in this area. Commissioner Zwetzig mentioned whether or not there could be something added as a buffer for a visual block and then stated if that home was placed and appeared to be a stick built home, we would not be having any discussion surrounding that issue. Commissioner Zwetzig stated he is not sure he can concur with the statement that property values would not be affected. Commissioner Zwetzig believes it is appropriate to have this as a regulation and appropriate to deny when it is obviously not appropriate. County Attorney Jeff Parker stated that in the future the Board can revise the conditional use regulations. Discussion

followed regarding whether or not the County currently has a mobile home designated area with Mr. Crosthwait naming several and indicated that those are allowed as use by right. Chairman McCracken then proceeded to vote, and motion carried 2-1 with Commissioner Teague and Chairman McCracken in favor, and Commissioner Zwetzig voting against

There being no further business, the meeting was adjourned 11:30 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified July 14, 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