

# COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS  
Minutes of Meeting  
September 12, 2017**

The Board of Morgan County Commissioners sitting as the Morgan County Board of Equalization (the "Board of Equalization") met on Tuesday, September 12, 2017 at 9:02 a.m. with Chairman James Zwetzig and Commissioner Laura Teague in attendance with Commissioner Mark Arndt being absent.

**Consideration of Approval – RESOLUTION 2017 BCC 31 – A resolution of the Board of County Commissioners of Morgan County, Colorado, acting as the Board of Equalization of Morgan County, adjusting the valuation for assessment**

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

**RESOLUTION NO. 2017 BCC 31**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, ACTING AS THE BOARD OF EQUALIZATION OF MORGAN COUNTY, ADJUSTING THE VALUATION FOR ASSESSMENT**

WHEREAS, the Board of County Commissioners acts as the Board of Equalization per C.R.S. § 39-8-101;

WHEREAS, the Board of Equalization is authorized by C.R.S. § 39-8-102(1) to correct errors made by the County Assessor and to raise, lower or adjust any valuation of assessment;

WHEREAS, an audit of the Morgan County Assessor revealed an error in the valuation of sprinkler irrigated agricultural land and flood irrigated agricultural land; and

WHEREAS, the Board of County Commissioners acting as the Board of Equalization wishes to correct such assessments and to direct the County Clerk and Recorder to issue the appropriate notice of such corrections.

NOW, THEREFORE, be it resolved by the Morgan County Board of County Commissioners, Colorado, acting as the Morgan County Board of Equalization, as follows:

1. The audit report dated August 16, 2017, prepared by the Audit Division of Wild Rose Appraisal Incorporated, a copy of which is attached hereto and incorporated herein as **Exhibit A**, is accepted and approved.
2. The correct ratios for Morgan County sprinkler irrigated agricultural land and flood irrigated agricultural land, .96 and .98, respectively, are adopted and shall be imposed.
3. As required by C.R.S. § 39-8-103, the County Clerk and Recorder is directed to give notice to each person affected of the change in valuation and to furnish the County Assessor with a copy of such notice.

Dated this 12<sup>th</sup> day of September, 2017 *Nunc pro tunc*

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

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

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

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(noted as absent)  
Mark A. Arndt, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey

Commissioner Laura Teague presented to the Board for approval, Resolution 2017 BCC 31, a resolution of the Board of County Commissioners of Morgan County, Colorado, acting as the Board of Equalization of Morgan County, adjusting the valuation for assessment. Commissioner Teague stated approximately three weeks ago the Board met with the auditors, and were notified the County was out of compliance on sprinkler irrigated Ag land and flood lands, where they were given the indication to be given the opportunity to correct those within the County's formula and this resolution indicates this formula change.

At this time, Mike Krening, Morgan County Deputy Assessor, and Paul Vowell, Morgan County Chief Appraiser, Mr. Krening stated at this point they are early in the stage of making the necessary changes and will be sending

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notifications to those individuals who will be affected by these changes and they will be allowed the opportunity to meet with the Board in regards to these changes so that no one's rights are removed and they would then be in compliance with the auditor's results. The time frame is roughly 30 days once they are sent out as per Mr. Vowell. Mr. Krening stated the landowners will incur a higher valuation and dependent upon what the mill levy is certified at, there will be a difference in their taxes, with Mr. Vowell stating this will affect the taxes being paid in 2018 for the tax year of 2017. Chairman Zwetzig stated these two categories, flood irrigated and sprinkler irrigated landowners will be affected and it was again stated that these taxpayers will be given the right to speak with the Board further about any concerns they may have and allowed to appeal the value. Mr. Krening stated the process will be in place so nobody's rights will be removed.

Commissioner Teague stated the Board understands that the State could declare that our formula is incorrect and it could then be required to be paid back to the school district, and Mr. Vowell stated that they would be the ones to reappraise the values and feels it is best to make this correction at the County level.

Commissioner Teague made a motion to approve Resolution 2017 BCC 31, a resolution of the Board of County Commissioners of Morgan County, Colorado, acting as the Board of Equalization of Morgan County, adjusting the valuation for assessment with Chairman Zwetzig seconding the motion. At this time, the motion carried 2-0.

## **The Morgan County Board of Equalization will convene as the Morgan County Board of Commissioners.**

The Board of Morgan County Commissioners met Tuesday, September 12, 2017 at 9:10a.m. with Chairman James Zwetzig and Commissioner Laura Teague in attendance with Commissioner Mark Arndt absent. Chairman James Zwetzig called the meeting to order and asked Morgan County Treasurer Bob Sagel to lead the meeting in the Pledge of Allegiance.

### **ADOPTION OF THE AGENDA**

Commissioner Teague made a motion to adopt the agenda as presented, with Chairman Zwetzig seconding the motion. Motion carried 2-0.

### **CONSENT AGENDA**

Ratify the Board of County Commissioners approval on Contract 2017 CNT 190, MJ's Garage Door, replace opener on small vehicle bay door, Term of Contract August 30, 2017 until completed

Ratify the Board of County Commissioners approval of nominating Chairman Zwetzig on the CCI 2017 Legislative Committee Member Appointment and to attend the Legislative Committee Meeting on October 13, 2017, form signed on September 4, 2017

Ratify Chairman Zwetzig's signature on the Veterans Affairs report for the month of August 2017

Ratify the Board of County Commissioners approval of waiver offairground fees for Morgan County Democrats

Ratify the Board of County Commissioners approval of waiver fairground fees for Colorado Family Campers & RVers

Commissioner Teague made a motion to approve all items on the Consent Agenda as presented. Chairman Zwetzig seconded the motion and motion carried 2-0.

### **GENERAL BUSINESS AND ADMINISTRATIVE ITEMS**

**Consideration of Approval – RESOLUTION - 2017 BCC 32– A Resolution to cancel property taxes on removed, destroyed, or abandoned real property and personal property**

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

#### **RESOLUTION NO. 2017 BCC 32**

#### **A RESOLUTION TO CANCEL PROPERTY TAXES ON REMOVED, DESTROYED, OR ABANDONED REAL PROPERTY AND PERSONAL PROPERTY**

WHEREAS, pursuant to C.R.S. § 39-10-114(2)(a), Morgan County may cancel any taxes levied on personal property, including but not limited to mobile homes, which are determined to be uncollectible after a period of one year after the date of their becoming delinquent;

WHEREAS, the Morgan County Treasurer has determined that certain properties more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Properties"), have been removed, destroyed or abandoned.

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

1. Property taxes on the Properties described in **Exhibit A** are uncollectable.
2. Property taxes on the Properties described in **Exhibit A** are cancelled.

Dated this 12<sup>th</sup> day of September, 2017 *Nunc pro tunc*

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## THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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(noted as absent)  
Mark A. Arndt, Commissioner

(SEAL)

### ATTEST:

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey

Morgan County Treasurer Bob Sagel presented to the Board for approval, Resolution 2017 BCC 32, a Resolution to cancel property taxes on removed, destroyed, or abandoned real property and personal property. Mr. Sagel stated that each year his office puts together any taxes that they can no longer locate, and is requesting that these four taxes be removed from the tax roll, one being a mobile home, with 2014 and 2015 taxes amounting to \$7.72 and there is also some personal property within the County that he is requesting to cancel, naming those businesses and stating the property owners are no longer in the area. He outlined the amounts being removed from the tax rolls as being \$1,852.40.

Commissioner Teague made a motion to approve Resolution 2017 BCC 32, a Resolution to cancel property taxes on removed, destroyed or abandoned real property and personal property as presented by Morgan County Treasurer Bob Sagel and as noted on Exhibit A which will be attached to the resolution with Chairman Zwetzig seconding the motion. At this time, the motion carried 2-0.

### **Consideration of Approval – BID AWARD – RFP 2017-0907-002 Propane Fuel**

Morgan County Administrative Services Manager Kristi Waite presented to the Board for approval Bid Award 2017-0907-002 Propane Fuel. Ms. Waite stated she received two bids from CHS / M & M COOP and Hill Petroleum. Ms. Waite summarized the bids received. Ms. Waite stated both bids received were higher than what the County paid last year, as the contracted amount was at \$.80 per gallon. At this time, Ms. Waite recommended the Board award this bid to CHS / M & M CO-OP in the amount of \$1.14 per gallon.

Commissioner Teague made a motion to approve bid award RFP 2017-0907-002 Propane Fuel to CHS / M & M COOP as outlined by Morgan County Administrative Services Manager Kristi Waite in the amount of \$1.14 per gallon and authorized a contract be prepared to be signed and ratified at a later date by the Chair with Chairman Zwetzig seconding the motion. At this time, the motion carried 2-0.

### **COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated September 8, 2017 through September 19, 2017 with no changes.

Morgan County Clerk Susan Bailey updated the Board about the upcoming Coordinated Election stating her office received the ballot proofs this morning which will be sent to the printer in the next couple of days and that there will be approximately 1700 voters that will not receive a ballot in the upcoming Coordinated Election due to the fact the Brush School District canceled their election. She stated her office will be sending informational post cards to those households notifying them they will not receive a ballot in November.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **CITIZEN'S COMMENT**

There was no citizen's in attendance to provide citizens comment.

At this time, the Board recessed at 9:17 a.m. until the Public Hearing scheduled at 9:30 a.m.

### **PUBLIC HEARING**

Chairman Zwetzig called the hearing to order at 9:32 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman James Zwetzig and Commissioner Laura Teague in attendance with Commissioner Mark Arndt being absent. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and staff.

**Application is for an Amended Special Use Permit to modify the previously approved north Coal Combustion Residual (CCR) landfill and to construct a new east CCR landfill at the Pawnee Station in Morgan County. The property is 2,795 acres more or less and located in Section 19, Township 3 North, Range 56 West and the**

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**W1/2 of Section 20, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. The property is also known as 14940 County Road 24, Brush, Colorado 80723.**

**Applicant: Public Service Company of Colorado**

**Landowner: Public Service Company of Colorado, James Hanson Agent**

Chairman Zwetzig asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

## **Background Information**

Ms. Cherry explained this application is for an Amended Special Use Permit to modify the previously approved north Coal Combustion Residual (CCR) landfill and to construct a new east CCR landfill at the Pawnee Station in Morgan County. The property is 2,795 acres more or less and located in Section 19, Township 3N, Range 56W and the W1/2 of Section 20, Township 3N, Range 56W of the 6<sup>th</sup> P.M. Morgan County, Colorado. The property is also known as 14940 County Road 24, Brush, Colorado 80723. The property is zoned Heavy Industrial where landfills are Uses by Special Review.

Ms. Cherry stated the North CCR landfill is approximately 15 acres and was originally approved in 1976 as part of a Special Use Permit issued for the construction of the Pawnee Station. The Special Use Permit approved an overall landfill with a footprint of about 30 acres, which has been operated since 1981 as distinct north and south cells. The north landfill has been used primarily to dispose of fly ash and bottom ash. The south landfill cell has been used primarily to dispose of raw water treatment lime slurry, and brine concentrator sludge. The landfill is operated under a 2011 Engineering Design and Operations Plan (EDOP) that is regulated by the Colorado Department of Public Health and Environment with regular reporting requirements. In 2011, the EDOP defined the final waste grade of the North landfill at an elevation of 4,370. Until 2014, Pawnee Station was able to sell virtually all the ash generated for use in concrete products. Fly Ash is now unsuitable for these uses so has been disposed of in the landfill.

Ms. Cherry explained this proposal is to increase the elevation of the North CCR landfill from 4,370 feet to 4,415 feet, an increase of forty-five feet (45') with side slopes from the previously approved 4:1 to 3:1. This would increase capacity based on current engineered estimates by 428,000 cubic yards extending the landfill life until March 2019. Final closure of the North CCR will have a grade of 5% on the closure slopes and not greater than 33% on the side slopes. The cover material is a synthetic turf and Geomembrane system called ClosureTurf®.

Ms. Cherry stated the proposed East CCR landfill will be located on the southeastern portion of the site, east of Evaporation Pond D. It is to be constructed within the footprint of the former bottom ash storage pond that was constructed in 1980 and taken out of service in 2005. The pond accepted influent water that contained sluiced bottom ash from the boiler and cooling water blow down. Clean closure of the bottom ash pond was completed in 2017.

Ms. Cherry explained that the new landfill will include two cells that will be constructed utilizing a liner system and will be closed with the same ClosureTurf material as the North landfill. Groundwater monitoring systems will be utilized to evaluate impacts from potential seepage.

During the first five years post closure of the East CCR landfill, semi-annual inspections will be conducted, and after five years the inspection frequency will be annual. Annual inspections will be required for a period of 30 years unless decreased frequency or duration is approved by CDPHE and local authorities.

There will be no additional impact to adjacent land uses or properties, Ms. Cherry stated.

Ms. Cherry explained this use will not accept waste from off-site and the boundaries will not change. The project will be sensitive to the environment through continuous monitoring that will occur as part of the State permitting process. The land use is appropriate as the property is zoned Heavy Industrial, there will not be impacts on schools; Public Service will continue to provide employment opportunities for Morgan County.

Ms. Cherry explained the criteria for approval of a Use by Special Review:

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:
  - 1.) The project will broaden employment opportunities for residents and further economic growth.
  - 2.) The use is compatible with existing land uses and access is established to public infrastructure.
  - 3.) The use is properly sited with due regard to environmental quality and minimal impact to surrounding uses and resources.
- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

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- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulation, whichever is the strictest.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information and financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

Ms. Cherry provided her suggested conditions of approval indicating the following:

1. Public Service Company of Colorado or future plant operators will remain in compliance with all agencies with regulatory authority.

Ms. Cherry stated the Planning Commission recommends approval of the Use by Special Review application subject to the above condition.

Chairman Zwetzig asked the applicants to come forward, Public Service Company of Colorado, with Richard Ferguson, 14940 County Road 24, Brush, CO indicating he works for Xcel Energy and Ms. Jennifer McCarter stating her address as 1800 Larimer Street, Denver, CO 80202.

Mr. Ferguson stated his presentation has been shortened a bit from the Planning Commission meeting and provided a handout to the Board which he then presented by power point. Mr. Ferguson summarized when the prior SUP was issued by Morgan County in 1976 and provided a history of the project indicating the proposed project. He also provided a site overview. Detailed information was provided to the Board breaking down the areas in question, summarizing the North CCR Landfill. He indicated they chose the green and brown blend, Closure Turf, as provided in a sample to the Board prior to the meeting today. He also summarized the North Landfill final grades by power point indicating the run off locations.

He then summarized the East CCR Landfill information indicating details about Cell 1 and Cell 2. Cell 2 will be located immediately east of Cell 1 if they should choose to move forward with Cell 2. He outlined the composite liner of what it will be comprised of as well as disposal of operational ash and lime solids. He explained the Closure Turf Geomembrane capping system as well as the groundwater monitoring system.

He provided by power point the visual of the expansion of the East Landfill where Cells 1 and 2 will be located. He stated there is a non-contact storm water pond in two areas and further explained the purposes of those. He shared a slide which indicated the 5:1 vertical exaggeration of the final closure and elevations as well as a slide showing the final view of the east landfill final grades.

Mr. Ferguson discussed the final cover options, explaining the reason for closure turf as it will provide for long life, rapid capping works better with steeper slopes and has a lot less maintenance. The other option, Geomembrane capping system, was an option of using on site soil, and explained it would require more maintenance and post closure care. Commissioner Teague asked about the costs, with Mr. Ferguson stating he is not able to provide an exact number but the cheaper option was the Closure Turf.

Mr. Ferguson stated it was questioned at the Planning Commission about fire, and he explained that this product is completely repairable and they could go back in and fix anything that a fire would cause harm. HDR, the contracting firm has indicated this product can handle lots of issues explaining it has experienced hurricanes on the east coast.

Mr. Ferguson outlined the anticipated project schedule indicating this schedule was in place prior to Hurricane Harvey which hit their main liner contractor so that part of the project has now been pushed out to 2018. He stated that the information provided in the handout regarding Current permit elevation, being November 2017, new elevation ash only, September 2019, and new elevation ash and lime, March 2018. East Cell 1 Landfill Capacity is proposed roughly for September 2021 and cell 2 is to be determined.

Mr. Ferguson summarized a renderings overview where the contractor provided renderings sharing with the Board slide that indicate the different locations with photograph views of the physical area.

Commissioner Teague asked if this requires a CD issuance from the County as well with Ms. McCarter stating if it is on your own property it does not require a CD.

At this time, Chairman Zwetzig opened the matter for public comment at which there was no public comment in favor or against the application being presented today.

At this time, Chairman Zwetzig moved to discussion and decision. Chairman Zwetzig noted for the record that the County had a concern about the communications tower and that has been checked out and this has no issues with the tower and asked that it be noted.

Ms. Cherry stated that the change for construction date being moved to 2018 the permit requires six months and she requested that this be moved out to one year to give them the appropriate amount of time to begin construction given

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the issues that have been created by the recent hurricane event. Commissioner Teague asked if the Board could vest some rights that would be longer than that, with Ms. Cherry stating that is correct. The applicant does not see any issues with beginning construction within the one year time frame and Ms. Meyer stated statutorily vesting should not exceed three years.

The life span of the landfill was discussed, with Mr. Ferguson stating the construction of cell 2 will get them out past 2021. Chairman Zwetzig discussed the issue with Colorado's Clean Power Plan requirement.

Mr. Ferguson stated the work that has been done is beneficial to the residents of Morgan County and the fact they took a usable substance and then will take it down to a non-usable which requires a land filling but the plant is taking the necessary steps to be able to landfill and completely run the plant to its economic beneficial life which is more than ten years. Commissioner Zwetzig stated the Power Plant is very valuable to the County as it is a huge economic impact on revenues.

Ms. McCarter stated there is a potential use they are looking at stating Waste Management near Bennett takes in non-hazardous liquid waste that has to be solidified prior to placing in their landfill and fly ash is still useful for that process. She explained the process of where they will add fly ash to get the non-hazardous liquid waste solidified. She stated this will help with the removal of the fly ash and help to extend the life of the landfill. She explained the different wastes that this process would involve. Discussion followed regarding the oil production waste and the fact the County has a moratorium on the issue at this time feeling this is an interesting topic.

At this time, a motion was made by Commissioner Teague to approve the application is for an Amended Special Use Permit to modify the previously approved north Coal Combustion Residual (CCR) landfill and to construct a new east CCR landfill at the Pawnee Station in Morgan County. The property is 2,795 acres more or less and located in Section 19, Township 3 North, Range 56 West and the W1/2 of Section 20, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. The property is also known as 14940 County Road 24, Brush, Colorado 80723, naming the applicant and landowner as being Public Service Company of Colorado, James Hanson Agent with the conditions that Public Service Company of Colorado or future plant operators will remain in compliance with all agencies with regulatory authority and the time line for the initiation of the build be changed to a period of one year rather than six months to accommodate current conditions, vendors, etc. as outlined by Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry. Ms. Cherry stated the Planning Commission did make two motions indicating one was to increase the height on the first landfill and the second was for the construction on the second cell. Commissioner Teague also authorized the preparation of a resolution outlining this approval. At this time, Chairman Zwetzig seconded the motion, and the motion carried 2-0.

Chairman Zwetzig asked Mr. Jerry Lyne, Pawnee Station Director and a mentor with mecha-maniacs which is a 4-H club; address 14940 MCR 24, Brush, CO 80723 to present about his robotics team, with Mr. Lyne stating 30 students taken to competition, robotics, largest group they have taken, kids mostly from Brush, but some from Fort Morgan and Weldon Valley, happy to hear about the mill levy override in Brush, hopeful to see some more stem opportunities be available. He stated they are hoping to capture more students and build the program, stating unfortunately they did not perform as well at the competition but stated he feels the students did very well. Pleased to have a decent robot, and emphasized that there is a business team, programming team and mechanical team, a lot of the kids are joining given they offer the business team giving the students a good understanding basically to have an organization that includes several different areas of business.

**Application is for a Conditional Use Permit to construct a buried natural gas gathering pipeline. The pipeline will be placed in Sections 5, 6 and 7 of Township 5 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. The property is also known as 3305 County Road 3, Orchard, Colorado 80649.**

**Applicant: Sterling Energy Investment  
Landowner: Wickstrom Land LLC**

Chairman Zwetzig asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry read aloud the following information.

## **Background Information**

Ms. Cherry explained that this application is for a Conditional Use Permit to construct a buried natural gas gathering pipeline. The pipeline will be placed in Sections 5, 6 and 7 of Township 5 N, Range 60 W of the 6<sup>th</sup> P.M. Morgan County, Colorado. The property is also known as 3305 County Road 3, Orchard, Colorado 80649. The property is zoned Agriculture Production. In this zone district Utility Service Facilities are conditional uses.

Ms. Cherry stated the pipeline will be approximately two miles in length, no greater than 12" in diameter and will be buried adjacent to another pipeline on the property. Section 4-495(F) requires that all production oil and/or gas be transported from the well head to the production facilities by buried pipeline or other approved method. Sterling Energy owns and operates a gas gathering system located in northeastern Colorado and Southwestern Nebraska that serves Weld, Morgan and Logan counties. Sterling Energy has contracted with gas producers to gather, treat and process gas produced from wells in the vicinity of the gathering system. Sterling Energy owns and manages three processing facilities on its gas gathering system to treat the gas in order to achieve a sales-quality product for marketing. This expansion will allow Sterling to provide the service to a new customer.

Ms. Cherry explained the pipeline will cross the 100-year floodplain in three locations, so a Floodplain Development Permit will be required for those portions of the pipeline alignment. In addition, Sterling Energy will submit a Storm Water Management Plan to the Colorado Department of Public Health and Environment, Water

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Quality Control Division and will adhere to it through construction. The disturbed ground will be returned to a natural condition in compliance with floodplain regulations and agreement with the property owner that intends to farm the area following construction.

At this time Ms. Cherry explained the criteria for approval of Conditional Use:

- 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.  
*The Site Plan meets requirements. More detailed construction drawings will be submitted prior to construction.*
- C. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure or upgrades by the County or Special Districts. The alignment will be returned to its pre-construction condition and re-vegetated in compliance with floodplain regulations and Sterling's agreement with the property owner that plans to farm the disturbed areas.
- D. The use proposed is compatible with the surrounding uses and adequately buffered as necessary. The property is located in Agriculture Production zone district. There will not be a visual impact to adjoining properties.

*All referrals and notifications were distributed and there have been no comments received as of September 12, 2017.*

Ms. Cherry explained the suggested conditions of approval:

1. The pipeline will be constructed within two years of this approval or new application will be required.
2. Road crossings will require a permit from Morgan County Road and Bridge. Road cuts are not permitted on paved roads.
3. Easement agreements must be obtained from the property owner prior to commencing construction.

Ms. Cherry stated the Planning Commission recommends approval of the Conditional Use subject to the conditions stated.

Chairman Zwetzig asked the applicants to come forward, with Dena Lund, Executive Vice President of Operations and Engineering, Sterling Energy, 1200 17<sup>th</sup> Street, 2850 Denver, CO 80202, and Abby Rimel, Manager of Project Development, 1200 17<sup>th</sup> Street, Suite 2850, Denver, CO 80202 both representing the application today.

Ms. Rimel summarized the project sharing a power point presentation with the Board. This information indicated they are a Denver based midstream oil and gas company, raw natural gas gathering, numerous compression stations and three gas processing centers. She stated the gas is processed for marketing and used for industrial and residential uses. According to the power point presentation, it indicated that the water supply services by pipeline were since 2013, and all operating assets are located in the DJ basin. They built the Jackson Lake Gas Processing Facility which was constructed in 2015.

She further summarized the pipeline project location, from the intersection of MCR 2 and MCR DD westbound along MCR DD into Weld County. She stated the route has been approved by the landowner per a right of way option agreement.

Ms. Abby Rimel outlined the pipeline design indicating the sizing to meet future natural gas production with the pipeline being no more than 12 inches in diameter, at this time they are looking at an 8 inch pipe diameter. The pipeline is designed with overpressure protection and the pipe material comes with quality assurance about the materials.

Ms. Lund outlined the pipeline construction indicating the construction involves excavation of the pipeline right of way, are welded according to American Petroleum Institute procedures and are examined by X-ray inspection, and pressure tested and then recovered with the originally excavated soil and final route is surveyed and information submitted to Colorado 811.

Ms. Lund summarized the pipeline safety stating the pipelines are regulated by Federal Regulations DOT 192 and enforced by the Colorado Public Utilities Commission (PUC) and Colorado Oil and Gas Conservation Commission (COGCC). She further outlined how the locations of the pipelines are marked, with an emergency call number, along the route and at intersections with roads. Sterling Energy is required to report any conditions which may lead to a safety threat to the public and promptly repair any damage. They also operate a remote telemetry system to monitor pressure and volume through the system at all times as well as personnel periodically who drive the pipeline route with leak detection equipment including the use of four wheelers.

Ms. Lund summarized the project timing stating they are asking for two years from the date of resolution being issued explaining the reason for this request given they have worked with the landowner for about a year at this point and the issues they are working out with them. She stated that earlier construction is anticipated but asking for the time line to be most flexible. Information regarding oil and gas was then shared.

Commissioner Teague asked if using the four wheeler for testing is a standard or is this something that Sterling Energy does, with Ms. Lund stating the reasons why they use this method, stating that a lot of companies use

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helicopters for analysis and even drones, stating the area they will be constructing is unpopulated enough that they can use the type of detection utilizing the four wheeler to do their inspections. Commissioner Teague stated that she asked this question given the reason that there are certain members on the Air Quality Control Commission that believes the midstream operators are a major source of methane release and they are the next target for regulations. Ms. Lund also stated that the Air Pollution Control Division, specific to the gas processing facilities, in the last two years, the program has become applicable to this type of facility and they are now required to take a camera out and inspect for leaks which is done every other month at the gas processing facilities and once or twice a year at the compression stations. She further indicated Midstream is required to now operate under the Air Pollution Control regulations specifically as per Ms. Lund.

Chairman Zwetzig asked if the landowner was present at the planning commission hearing with Ms. Cherry stating they were not and they do not have any objections to the project.

At this time, Chairman Zwetzig opened the matter for public comment at which there was the following questions presented.

Laurie Cromwell, 17108 County Road 25, Fort Morgan, Colorado, asked about the placement of a 12 inch pipeline and if they do not have the correct amount of gas to fill that size, does that create any issues. Ms. Lund indicated that the larger the pipeline is generally the more gas it can handle if you have less gas; it will operate a lower pressure.

Mr. Terry Winberg, 16093 Highway 34, asked if the maintenance of the right of way over the top of the pipeline become the property owner's responsibility or does it become the responsibility of Sterling Energy given this goes through a floodplain and it is subject to erosion, explaining he has a pipeline on his property and the issues he has experienced. Ms. Lund stated that generally the pipeline operator needs to cooperate with the landowner as they do not want the pipeline to become exposed and they want to be sure to maintain the 36 inches of cover so this requires the collaboration between the landowner and the pipeline operator. She explained they will ask the landowner how they wish to have the ground covered or filled in, stating she understands that many times it would need to be reseeded and the cost for this would be at the pipeline operator.

Chairman Zwetzig asked if there is a state requirement for how the easement is written with Ms. Lund stating in general there are common things that are themed throughout all Sterling Energy's right of ways, one are their responsibilities, and two, they generally refer to that its it eh company's responsibility to maintain the regulatory aspects of the pipeline.

At this time, Chairman Zwetzig moved to discussion and decision.

Chairman Zwetzig asked Morgan County maintains a mapping system on the GIS system and they want to identify everything on this system and asked if they have maps that can be layered into the County system. Ms. Rimel stated recently they brought their mapping in house and stated they would be able to provide this layer and are willing to provide that information to the County. Chairman Zwetzig stated the County has a confidentiality agreement with those that share their mapping layers explaining the importance of this collaboration. It was clarified that the confidentiality agreement protects both parties that the sharing of mapping information is only for the use of those in agreement to share this information.

Chairman Zwetzig further asked if Sterling Energy participated in the emergency management exercise that was held about a month ago with Ms. Lund stating they did not. Chairman Zwetzig stated that the emergency management personnel and the assessor have valued the pipeline, and asked if they work with these departments asking if they know what their assessed value is, with Ms. Lund stating that Karina Graulus, Morgan County Assessor's office, works with their CEO annually.

At this time, a motion was made by Commissioner Teague to approve the application is for a Conditional Use Permit to construct a buried natural gas gathering pipeline as outlined in the application. The pipeline will be placed in Sections 5, 6 and 7 of Township 5 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. The property is also known as 3305 County Road 3, Orchard, Colorado 80649 naming the applicant as Sterling Energy Investment and landowner as being Wickstrom Land LLC with the conditions as follows:

The pipeline will be constructed within two years of this approval or new application will be required; Road crossings will require a permit from the Morgan County Board of County Commissioners and generally road cuts are not permitted on paved roads and easement agreements must be obtained from the property owner prior to commencing construction and be presented to the Planning and Zoning Department, as outlined by Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and authorized the preparation of the resolution as well. Chairman Zwetzig seconded the motion, and at this time noted the suggested conditions should be amended to indicate the permit does not come from the Road and Bridge Department, it comes from the Morgan County Board of County Commissioners, and with this amendment, the motion carried 2-0.

Being no further business, the meeting was adjourned at 10:36 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

**(Minutes ratified September 26, 2017)**



# COMMISSIONERS PROCEEDINGS 9

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

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

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

\_\_\_\_\_  
(noted as absent)  
Mark A. Arndt, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey