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BOARD OF COUNTY COMMISSIONERS Minutes of Meeting October 17, 2017

The Board of Morgan County Commissioners met Tuesday, October 17, 2017 at 9:07 a.m. with Chairman James Zwetzig, Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Chairman James Zwetzig called the meeting to order and asked Morgan County Commissioner Laura Teague 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 Commissioner Arndt seconding the motion. Motion carried 3-0.

CONSENT AGENDA

Ratify the Board of County Commissioners approval of meeting minutes dated October 10, 2017

Ratify the Board of County Commissioners approval on Contract 2017 CNT 213, NE Colorado Cellular, Inc d/b/a Viero Wireless, an agreement for an Antenna Site at Morgan County fairgrounds, Term of Contract October 5, 2017 through October 4, 2018

Ratify the Board of County Commissioners approval on Contract 2017 CNT 214, ALSCO - Denver, multiple department uniform rentals, Term of Contract September 1, 2017 through August 30, 2018

Ratify the Board of County Commissioners approval on Contract 2017 CNT 215, CGRS, compliance testing of fuel sites, Term of Contract October 4, 2017 until completed

Ratify the Board of County Commissioners approval of Contract 2017 CNT 216, Banner Health d/b/a East Morgan County Hospital, restocking of ambulance medical supplies, Term of Contract January 1, 2018 through December 31, 2018

Ratify Chairman Jim Zwetzig's signature on the Xcel permits for both gas and electric for the new Brush Ambulance building located at 617 Hospital Road dated October 10, 2017

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

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – RESOLUTION - 2017 BCC 43 – A Resolution conditionally approving a conditional use for the construction of a communication facility on property located in the NE1/4 of the NW1/4 of Section 14, Township 3 North, Range 60 West of the 6th P.M., Morgan County, Colorado with an address of 105 Karen Street, Wiggins, CO 80654

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2017 BCC 43

A RESOLUTION CONDITIONALLY APPROVING A CONDITIONAL USE FOR THE CONSTRUCTION OF A COMMUNICATION FACILITY ON PROPERTY LOCATED IN THE NE¼ OF THE NW¼ OF SECTION 14, T3N, R60W OF THE 6th P.M., MORGAN COUNTY, COLORADO WITH AN ADDRESS OF 105 KAREN STREET, WIGGINS, COLORADO 80654

WHEREAS, Keith Miller (the "Owner") owns property located in the NE¼ of the NW¼ of Section 14, Township 3 North, Range 60 West of the 6th P.M., Morgan County, with the address of 105 Karen Street, Wiggins, Colorado, located in the Commercial Zone District;

WHEREAS, Roggen Enterprises Broadband, LLC (the "Applicant"), on behalf of the Owner, filed an application for a conditional use pursuant to Sections 3-320(F) of the Morgan County Zoning Regulations to construct a communication facility where height limits are exceeded;

WHEREAS, on September 11, 2017, the Planning Commission held a properly noticed public hearing on the application where approval was recommended;

WHEREAS, on October 3, 2017, the Board of County Commissioners, held a properly noticed public hearing on the application;

WHEREAS, The Board of County Commissioners having reviewed the Conditional Use application, all information provided, testimony heard and the criteria for a Conditional Use as set forth in 2-315 of the Morgan County Zoning Regulations find that:

1. The application documents are complete and present a clear picture of how uses are to be arranged on the site.
2. The site plan conforms to the design standards of the Morgan County Zoning Regulations.

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3. There are no off-site impacts imposed by the conditional use that require additional infrastructure or upgrades by the County or Special Districts.
4. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, desires to grant the Conditional Use, subject to the conditions below:

1. All federal and state approvals for the tower shall be forwarded to the Morgan County Planning Department upon receipt for the file.

Dated this 17th day of October, 2017, *nunc pro tunc* October 3, 2017.

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

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Morgan County Planning Director/Floodplain Administrator Pam Cherry presented to the Board for approval, Resolution 2017 BCC 43 a Resolution conditionally approving a conditional use for the construction of a communication facility on property located in the NE1/4 of the NW1/4 of Section 14, Township 3 North, Range 60 West of the 6th P.M., Morgan County, Colorado with an address of 105 Karen Street, Wiggins, CO 80654. Ms. Cherry stated this is an item the Board heard on October 3, 2017 and this is the request to sign the approval of the authorization of the resolution.

Commissioner Arndt made a motion to approve Resolution 2017 BCC 43, a Resolution conditionally approving a conditional use for the construction of a communication facility on property located in the NE1/4 of the NW1/4 of Section 14, Township 3 North, Range 60 West of the 6th P.M., Morgan County, Colorado with an address of 105 Karen Street, Wiggins, CO 80654, signing *nunc pro tunc*, as presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry with Commissioner Teague seconding the motion. Chairman Zwetzig asked Ms. Cherry to continue discussions with the Planning Commission about where towers are placed within the County feeling this is an important issue to continue discussing for proper regulations to be put in place. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2017 PMT 34 – William D. McConnell

Morgan County Roads Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2017 PMT 34, with William D. McConnell. Mr. Goodman stated this right of way permit is for trenching across County Road EE, starting at a point 3/8 of a mile east of County Road 21 in the north right of way of County Road EE and trenching south on County Road EE ending in the south right of way of County Road EE, for the purpose of installing a 1 ¼ inch PVC underground water line.

Chairman Zwetzig asked what would be in the water line; with Mr. Goodman indicating that water will be ran through this line and stated it will be well water. Chairman Zwetzig asked if this water has been tested, with Mr. Goodman stating that question would have to be directed to Mr. McConnell.

Commissioner Teague made a motion to approve Right of Way Permit 2017 PMT 34 with William D. McConnell as outlined in the narrative of the permit as presented by Morgan County Roads Supervisor John Goodman and authorized the Chair to sign. Commissioner Arndt seconded the motion and at this time, Chairman Zwetzig asked if the line will be left open with Mr. Goodman stating he believes it will be for stock water and is not able to answer the question completely and stated the question should be directed to Mr. McConnell, the applicant. At this time, the motion carried 3-0.

Consideration of Approval – VEHICLE PURCHASE – State Bid #2018-013

Morgan County Public Works Director Bruce Bass presented to the Board for approval, state bid 2018-013 for the purchase of one 2018 Chevrolet Tahoe 4X4 Special Service 5W4. Mr. Bass stated the purchase price of the vehicle would be \$35,893.00. Mr. Bass stated this is not a preapproved budgeted item as this is for a replacement purchase for a total loss of a vehicle in the County's Sheriff's Department fleet whereas the County received a total loss payment in the amount of \$20,861.40 for a 2012 vehicle. He further indicated he utilized the state bid price

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agreement for this purchase and it will be a 2018 model and the purchase will be made through John Elway Chevrolet and will be delivered in 2018 and it has been submitted for the 2018 budget.

Commissioner Teague made a motion to approve the State Bid 2018-013 for the purchase of the 2018 Chevrolet Tahoe 4X4 Special Service 5W4 in the amount of \$35,893.00 as presented by Morgan County Public Works Director Bruce Bass. Commissioner Arndt seconded the motion and motion carried 3-0.

Mr. Bass provided an update to the Board in regards to the Landfill compactor which has been fixed. He stated the issue was a head and head gasket and was hopeful it would be up and running as soon as possible.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated October 13, 2017 through October 24, 2017 with no changes.

Morgan County Clerk and Recorder Susan Bailey stated that ballots were placed in the mail through the Denver General Mail Facility Monday morning and for voters to look for their ballots in the mail this week. Ms. Bailey also stated that if voters do not receive their ballot by Monday, October 23, 2017 to notify her office.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT

There was no citizen comments made at this time.

At this time, the Board recessed at 9:18 a.m. until the Public Hearing scheduled at 9:30 a.m.

PUBLIC HEARING

Chairman Zwetzig called the hearing to order at 9:30 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman James Zwetzig Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry.

Consideration of Approval – ORDINANCE - 2017 ORD 01 An ordinance approving a cable franchise agreement between Morgan County and Bresnan Communications LLC, locally known as Charter Communications, to operate a cable system in the County pursuant to the terms of such cable franchise agreement.

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2017 ORD 01

AN ORDINANCE APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN MORGAN COUNTY AND BRESNAN COMMUNICATIONS LLC, LOCALLY KNOWN AS CHARTER COMMUNICATIONS, TO OPERATE A CABLE SYSTEM IN THE COUNTY PURSUANT TO THE TERMS OF SUCH CABLE FRANCHISE AGREEMENT

WHEREAS, Bresnan Communications, LLC, locally known as Charter Communications, has held a franchise and operated a cable system in the County;

WHEREAS, pursuant to 47 U.S.C., Sec. 546(h), the County may renew a cable franchise with a cable operator after affording the public adequate notice and opportunity for comment;

WHEREAS, the County has considered Charter Communication's performance and technical, financial and legal ability to provide the services, facilities and equipment to meet the future cable-related community needs and interests; and

WHEREAS, on October 17, 2017, the Board of Trustees held a properly-noticed public hearing to consider adoption of the proposed cable franchise agreement and accepted public comment on the same.

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

Section 1. The Cable Franchise Agreement between Morgan County and Bresnan Communications, LLC, attached hereto and incorporated herein as **Exhibit A**, is hereby approved, and Bresnan Communication, LLC, locally known as Charter Communications, is hereby granted a franchise to operate a cable system in Morgan County pursuant to the terms of such Cable Franchise Agreement. The Chair of the Board is hereby authorized to sign the Cable Franchise Agreement on behalf of the County.

Section 2. Additional Remedies. The remedies provided in this Ordinance shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available. Nothing contained

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herein shall be construed to preclude prosecution under any other applicable statute, ordinance, rule, order or regulation.

Section 3. Severability. Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 4. Safety Clause. The Board of County Commissioners hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public welfare, health and safety.

APPROVED this 17th day of October, 2017.

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

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

John Lee of Charter Communications, 6399 South Fiddlers Green Circle, Green Village, CO presented to the Board information regarding the agreement for a cable franchise with Morgan County explaining this is a ten year agreement and outlined the details stating this agreement would formalize Charter's commitment to Morgan County for the next ten years. Chairman Zwetzig asked if this agreement is only for cable services and if there were other services offered, with Mr. Lee stating this agreement is for cable services and stated they do offer other packages. Commissioner Arndt asked how many years the County has had an agreement with this company with Mr. Lee stating he was not sure how long but did know that Charter has had an agreement with the County for the last ten years.

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

Chairman Zwetzig then moved forward with discussion and decision.

Commissioner Arndt made a motion to approve Ordinance No. 2017 ORD 01 between Morgan County and Bresnan Communications LLC, locally known as Charter Communications to operate a cable system pursuant to the terms provided as presented by Mr. Lee. Commissioner Teague seconded the motion and motion carried 3-0.

At this time, Commissioner Teague made the motion to authorize the Chair to sign the Franchise Cable Agreement with Bresnan Communications, LLC, locally known as Charter Communications as presented and attached to Ordinance 2017 ORD 01. Commissioner Arndt seconded the motion and motion carried 3-0.

Application is for an Exemption from subdivision of 5.0 acres located in the SE1/4 of Section 25, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado. The property will be known as 05971 County Road H, Wiggins, Colorado 80654.

**Applicant: Craig Gerhard Potthoff
Landowner: Craig Gerhard Potthoff**

Chairman Zwetzig asked Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry to present the file at which time Ms. Cherry stated the Applicant/Landowner had requested a Second Continuation to October 24, 2017 as the applicant was working on the drainage engineering. Ms. Cherry asked for an additional continuation due to the drainage report not having been received until last night and would like ample time to review.

Commissioner Teague made a motion to continue the matter as requested by the Applicant/Landowner Craig Gerhard Potthoff to October 24, 2017 as requested by Ms. Cherry with Commissioner Arndt seconding the motion and motion carried 3-0.

Being no further business, the meeting was adjourned at 9:38 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified October 24, 2017)

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

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey