

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting October 31, 2017

The Board of Morgan County Commissioners met Tuesday, October 31, 2017 at 9:00 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 Arndt 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 24, 2017

Ratify the Board of County Commissioners approval on Contract 2017 CNT 219, EEC, soil testing at new ambulance building at 617 Hospital Road, Brush CO, Term of Contract October 2, 2017 until completed

Ratify the Board of County Commissioners approval on Contract 2017 CNT 220, Slim's Sanitation, pump grease trap at Judicial Center, Term of Contract September 27, 2017 until completed

Ratify the Board of County Commissioners approval for disposal of assets, (1) 2011 Dodge Charger, asset #1804, dated on October 23, 2017

Ratify the Board of County Commissioners acknowledgment of the Resolution concerning the adoption and appropriation of the 2018 budget from the office of the Public Trustee of Morgan County, Colorado dated on October 13, 2017

Ratify Chairman Jim Zwetzig's signature on CDHS Certification of Compliance –Year 2018 County Personnel and Merit System dated on October 26, 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 – RIGHT OF WAY - 2017 PMT 36 – Wiggins Telephone Association**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2017 PMT 36, with Wiggins Telephone Association. Mr. Goodman stated this permit is to trench on the east right of way and across County Road 4 starting at 1,560 feet north of US Highway 34 in the east right of way of County Road 4 at an existing vault, trenching south 1,250 feet in the east right of way of County Road 4, then trenching west 60 feet across County Road 4 ending in the west right of way of County Road 4, for the purpose of installing new fiber service. Commissioner Teague asked if the fees were attached with Chairman Zwetzig confirming they were attached in the amount of \$275.00.

Chairman Zwetzig pointed out that the application for permits can be obtained online and they are submitted to the Road and Bridge Department and then placed on the board's agenda for approval and this has been the historical process.

Commissioner Teague made a motion to approve Right of Way Permit 2017 PMT 36 with Wiggins Telephone Association as outlined in the narrative of the permit as presented by Morgan County Road Supervisor John Goodman noting the fees are attached and authorized the Chair to sign. Commissioner Arndt seconded the motion and at this time, a citizen, Derek Moser, 1219 Edmunds, Brush, CO asked to approach the board stating that he heard that the guys just do the same stuff over and over again and expressed concerns with the way this was being presented stating if it was due to new growth in the area, that should be indicated. Chairman Zwetzig noted this is an extension for new growth in the community. At this time the motion carried 3-0.

#### **Consideration of Approval – Settlement agreement with county employee**

Morgan County Human Resources Director Tracy Amen presented to the Board for approval, a settlement agreement with a county employee. Ms. Amen read aloud the document as prepared and asked for approval of the agreement.

Commissioner Teague made a motion to approve a settlement agreement with a county employee as outlined and presented by Morgan County Human Resources Director Tracy Amen and authorized the Chair to sign. Commissioner Arndt seconded the motion and citizen, Derek Moser, spoke asking if the name was not released to protect the individual with Commissioner Arndt stating that was correct. At this time, the motion carried 3-0.

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

Commissioners reviewed the calendar dated October 27, 2017 through November 7, 2017 with no changes.

Morgan County Clerk and Recorder Susan Bailey updated the Board as to the number of ballots returned and stated that as of today a total of 2,816 ballots had been returned and indicated that many voters had met the deadline of Monday, October 30<sup>th</sup>, to update their registrations in order to receive a ballot by mail. She further encouraged citizens to get out and vote stating how important the local elections are for the community.

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## UNFINISHED BUSINESS

There was no unfinished business.

## CITIZEN'S COMMENT

Derek Moser, 1219 Edmunds, Brush, CO spoke of concerns he recently had with the local DMV regarding the spelling of his address on his license.

At this time, the Board took a short recess at 9:14 before proceeding with the Public Hearing as posted.

## PUBLIC HEARING

Chairman Zwetzig called the hearing to order at 9:15 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.

**A petition has been submitted for an alley vacation located in Orchard, Colorado**

**Resolution 2017 BCC 44 – A Resolution approving the vacation of the alleyway contained within block 4, Hedges Subdivision, Town of Orchard**

**Applicant: Karissa Gayosso & Domingo Gayosso, Bryon Francone, Connie Francone, Geraldine Cooper  
Landowner: Karissa Gayosso & Domingo Gayosso, Bryon Francone, Connie Francone, Geraldine Cooper**

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

#### **RESOLUTION NO. 2017 BCC 44**

#### **A RESOLUTION APPROVING THE VACATION OF THE ALLEYWAY CONTAINED WITHIN BLOCK 4, HEDGES SUBDIVISION, TOWN OF ORCHARD**

**WHEREAS**, Karissa Gayosso, Salavador Baladez, Bryon Francone, Connie Francone Domingo Gayosso, and Geraldine Cooper (“Applicants”) have submitted a petition requesting the vacation of the alleyway from the south side of the right of way of 4<sup>th</sup> Street to the north side of the right of way of 3<sup>th</sup> Street, located in Block 4, Hedges Subdivision, in the unincorporated Town of Orchard, (“Roadway”);

**WHEREAS**, the Roadway is currently a public right of way located entirely in the County and outside of the boundaries of a municipality;

**WHEREAS**, pursuant to C.R.S § 43-2-303(1)(b), the Board of County Commissioners may vacate any roadway, or any part of a roadway, that is located entirely within the County, provided the roadway is outside the limits of a municipality; and

**WHEREAS**, after a duly noticed public hearing held on October 31, 2017, the Board of County Commissioners of Morgan County, Colorado, considered the petition and decided to vacate the Roadway, subject to the reservation of easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances, in accordance with C.R.S. § 43-2-303(3), which shall include the right to maintain, repair, replace and expand their facilities within the Roadway.

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

1. The Board of Commissioners hereby finds that vacation of the Roadway satisfies all criteria under applicable law and hereby vacates the Roadway, subject to the reservation of easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances which shall include the right to maintain, repair, replace and expand such facilities within the Roadways.

2. The County shall have no further obligation to inspect, maintain, repair, or replace the Roadway or any improvements located therein.

3. The Board of County Commissioners shall record this Resolution in the records of the Morgan County Clerk and Recorder.

**DATED** this 31<sup>st</sup> day of October, 2017.

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

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

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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

Chairman Zwetzig asked the applicants to come forward and at this time, Ms. Gayosso approached the podium indicating she does not have any new information to present and provided an update stating her husband and parents bought a piece of property that is in the northwest corner of Orchard along 4<sup>th</sup> Street, the Hedges subdivision, explaining which lots. She stated according to a map in 1910 there is an alleyway marked that runs between 3<sup>rd</sup> Avenue and 4<sup>th</sup> Street, she further stated that Lots 1, 2, 3 and 4 are on the east side of the alleyway and Lots 11 and 12 are on the west side of the alleyway, and after purchasing the lots she was informed by the County Assessor's office, the east side would have a property tax of 6 percent and those on the west side would be charged 28 percent and it was recommended that if the alleyway could be vacated they could combine all the lots to be able to pay one residential tax. She stated she has spoken with Wiggins Telephone Association explaining she has been informed there are no lines along this particular alleyway. Ms. Gayosso stated the adjoining owners have also made the request to vacate this alleyway, naming those adjoining landowners, Geraldine Cooper and Salvador Baladez. She indicated that Ms. Cooper and Mr. Baladez were not present today, but a letter is in the file indicating their approval and agreement to this request. It was clarified that this is an unincorporated area and no access due to the area in question is used for pasture as well as a residential driveway.

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

Julie Kennedy, spoke stating she resides at 1637 3<sup>rd</sup> Street, Orchard, noting her parent's, Herman and Judy Schulte lived on the same street as what Ms. Gayosso was speaking about. She shared a couple of concerns stating she surely does not want the applicant to pay more taxes, but the alleyway has not been used for its purpose over the years stating her father has tried to keep that alleyway opened up explaining an issue with a fire and no one being able to access the back property of those homes, stating her dad's property/cottage lies on that back side and the issue with having to access on private property to get to those areas. She feels that if one alleyway is going to be vacated and opened, the need is there to open and vacate all the alleyways in the entire area explaining the two alleyways that have been accessible and the others are fenced off, buildings in place, traffic flow of those areas where the public needs to get to, and she asked that the entire township be allowed to request other alleyways in town as she does not feel it is appropriate to have just the one vacated and not have them all. She stated that her dad fought many years to try and get the alleyway opened up but was never successful before he passed away. Commissioner Teague asked which block Ms. Kennedy lived on with Ms. Kennedy stating she resides at 1637 3<sup>rd</sup> Street and is basically the only person who lives on this street and it was pointed out on the map for the Board to review the exact location being discussed. Said map is to be attached as an exhibit reflecting the public comment made as per Chairman Zwetzig. Commissioner Teague asked if the other alleys are similar to other utility placements with Ms. Kennedy explaining where they are located.

Mr. Kennedy spoke stating the utility on the alleyways, by the post office, explaining those locations and further stated the alleyway in question to vacate, there are poles up to the corner of Geraldine Cooper's. None of the alleyways have been opened from 1<sup>st</sup> Street to County Road X to the north since he has resided there. Chairman Zwetzig asked if the applicant spoke with the Wiggins Fire Department, with Ms. Gayosso stated she actually spoke with Wiggins Telephone and their broadband is not located in this area and she has not spoken with Wiggins Fire Department regarding the concern about a fire occurring. She further stated there are areas that could be accessed and Ms. Kennedy further commented between another landowner and themselves they have kept the alleyway open for years and they are the only ones that have, others have had buildings placed which has encroached in the alleyway.

Brandi French, 22974 Washington Avenue, Orchard, CO lives on the other end of the town is in the same scenario that the applicant is in, and feels they would be in the same situation that Ms. Kennedy is in, if the County is going to do it on one side, they would want it for all, feeling it has never been opened before and it has never been used and shared her concern about a letter she received that the alleyway must be opened for emergency access, there could be nothing in the alleyway given it was to be opened up. She stated she does not want to see one side be vacated and the other side not be vacated, and for it to be fair for everyone. She understands needing to have access, but there are so many access points explaining if there is access directly from the front, asking if it would be necessary to have access from the rear in the alleyway as well, would be her question. Chairman Zwetzig stated that would be a question for the local fire department. She further summarized what would need to be done to maintain the area given it has never been used before and to now open it up it would be costly to the County. She is in favor of opening it up, but wants to see it done for the entire area, not just this alleyway.

Chairman Zwetzig explained that one of the purposes of sending this matter back for review was due to making sure that all property owners are in agreement with the application. Commissioner Zwetzig stated that when the request comes in, the county has a public right of way, explaining it is not an all or none type of thing, given each area is different than the other. Commissioner Arndt stated that there is the option for the property owners to make the request indicating this would be allowed.

Julie Kennedy stated, her only concern in regards to her mom and dad's property, as being a time when there was a death and the only access to that cottage was that alleyway which made it necessary to cross over private property

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tearing a fence down to access the cottage. She stated she understands she can make the request as well and will do so.

Neil Allen, property that is located in Block 5, stated this does not really pertain to his property but the property to the west of this alleyway, his son used to own, he sold it and that would be the alleyway Julie Kennedy spoke about that her father fought for years to open, and they did have to go into the property to the west to access that. Again, this does directly affect him, but the access and future utilities that may come to Orchard, three or four city lots, just to the west of this alleyway, his son used to own, his concern would be future utilities that may want to come or other subdivisions that may take place. The alleyways are small, but future utilities are of concern to him, and in agreement with the rest of the Orchard citizens present and their concern being as a whole township. He questioned why taxes would be different on one side of the alleyway versus the other side of the alleyway. Ms. Gayosso stated the lots that are on the other side of the alleyway are considered unoccupied land and those are assessed at 29 percent and residential is assessed at 7.2 percent.

Ray Holland, resides at the alley between Washington and Grand between 3<sup>rd</sup> and 4<sup>th</sup> and questioned how would access be made for those who need propane and wants to be sure this is considered as well. Commissioner Arndt stated this is somewhat different due to everyone agreeing they do not need this access but other areas and other alleyways may need the appropriate access, and have to look at this matter on a case by case basis.

Ms. Gayosso stated it will ultimately be one large lot when it is combined in answering Commissioner's Arndt's question about what this lot will result in.

Gail Hawkins, stated they have farmland in Orchard as well as property and stated they have a home and a big shop and had to do their setbacks from the alleyway when they constructed their shop stating the alleyway is maintained by them. She stated the area that is opened up and the fact the alleyway does not run all the way through the block by their residence, and further asked who maintains the alleyways. Chairman Zwetzig stated the alleyways can be dedicated to the public for maintaining. Ms. Hawkins stated that if someone needs access, the alleyway she is speaking of is not open for access and her concern is that things are not being handled consistently and has concerns the County does whatever that property owner requests at the time. She asked the question who dictates if it is open or closed, with Chairman Zwetzig stating the public.

Commissioner Teague stated the board's philosophy is to be sure there is no public injury in any decision that is made and these types of requests are considered on a case by case basis and further stated that testimony is taken from everyone as to whether or not there is a significant use and how the consideration of either closing it or not, how it is useful for the public, not necessarily the landowner. Commissioner Teague stated she would like to hear from the fire department to see if the alley is significant to them, to not close the alley, she would like to hear why it is useful to the public. She stated the Board should have proven information that this alleyway in question today whether or not the public has enjoyed the use over time. Discussion followed with Ms. Hawkins asking if property owners need to appear and provide testimony as to what their preference is as to whether or not they should be opened or closed. Chairman Zwetzig stated that is a possibility.

Julie Kennedy asked if the Board is proposing that this alleyway is only closed from 3<sup>rd</sup> to 4<sup>th</sup>, and from 2<sup>nd</sup> to 3<sup>rd</sup> is open, and will someone enforce it to be opened. Chairman Zwetzig stated that it is from 3<sup>rd</sup> to 4<sup>th</sup> only and the decision for maintaining the open alleyway to be made by the County, with Ms. Kennedy expressing the concerns she has regarding each side of the alleyway.

Derek Moser, 1219 Edmunds, Brush, CO spoke, stating this being an older easement, much older than 1910, have to do with telegraph, teletype, other things essential to other people, may have to go through the Public Utility Commission to resolve this spat of property, re-designation, that way other people, the public, military can be served, the decision made today may affect his ability to walk down his alleyway.

Kristi Waite, Morgan County Administrative Assistant to the Board, stated she did receive a telephone call last week, from a citizen, Kim Cameron, who resides at 22831 Grand Avenue, expressing concerns that she feels if the County should vacate this alleyway, they should vacate them all.

Gail Hawkins stated she believes it needs to be visualized, so the Board can see there is no access if there is no alleyway, stating it is a convenience drive between the post office and the end of the block. Brandi French, stated this one specifically, if they vacated it, could affect the variance granted for Becky Schmitt as it will cut off that section of that alley, and there would be no access, there would be no turnaround, and a visual would be a good idea. Chairman Zwetzig asked Ms. Cherry to confirm if this is the same location for the Schmidt's, with Ms. Cherry reviewing the map indicating to the Board that this property is in a different block, an extension of the same alleyway, and that piece of the alley is not being requested to be vacated.

Robert Kennedy stated if the Board was to vacate the area between 3<sup>rd</sup> and 4<sup>th</sup>, there is the issue of not being able to get down the alleyway as well.

Commissioner Teague asked Morgan County Road Supervisor, John Goodman a question, with Mr. Goodman stating as far as his knowledge as a firefighter, he has not been involved in a mutual aid call in this area, and as far as a request for these to be maintained, he does not recall any request for maintenance stating the County has not had the need to do so.

Mr. Kennedy stated that is fine and dandy, but when people are placing structures in the alleyways, they need to be instructed they were not able to do so, explaining fence structures is what he was referring to.

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Derek Moser, again spoke stating it may have to do with water, not fire, need to look at canals, ditches, check with engineers for the information to make sure that all people's rights are protected.

The applicant, Ms. Gayosso requested on behalf of the other landowners, if needed, if they would be given the opportunity and take pictures of the other areas, and present that to you so the Board can see what each landowner is speaking of indicating that Daniel Ruland was present at the meeting who is on the fire department for Wiggins, and for other alleyways in the area be observed.

Chairman Zwetzig stated that Ms. Gayosso has submitted the property card information, the formal request, and a letter from Blue Lightning Wiggins Telephone, Xcel Energy both are fine with it and multiple pictures and the Board is aware of what the area looks like and stated they have been in the area and are aware of the alleyways discussed at today's meeting.

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

Commissioner Arndt stated he does believe that there is one item missing, and that being the letter from the Wiggins Fire Department noting that he feels this is an important part of this matter. A motion was made by Commissioner Arndt to table the matter until November 14, 2017 at the regular scheduled meeting and continue this public hearing in order for the applicant to submit a letter from the Wiggins Fire Department. Commissioner Arndt further asked if the community of Orchard feels it is important to get together and look at the matter as discussed today, stating he believes this application is a separate issue and the letter from the Wiggins Fire Department would be important. Commissioner Teague seconded the motion, and the motion carried 3-0.

**An application was received requesting the vacation of an unnamed county road, currently designated as part of State Highway 144 and the right of way under portions of this state highway**

**Resolution 2017 BCC 45 – A Resolution approving the vacation of certain portions of unnamed county road, designated as a part of State Highway 144**

**Applicant: Colorado Department of Transportation  
Landowner: Morgan County**

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

### **RESOLUTION NO. 2017 BCC 45**

#### **A RESOLUTION APPROVING THE VACATION OF CERTAIN PORTIONS OF UNNAMED COUNTY ROAD, DESIGNATED AS A PART OF STATE HIGHWAY 144**

**WHEREAS**, the Colorado Department of Transportation ("CDOT") has submitted an application requesting the vacation of an unnamed county road, currently designated as part of State Highway 144 and as generally depicted on the map and in the legal description, both attached hereto as Exhibit A ("Roadway");

**WHEREAS**, the CDOT is undertaking a project to relocate the Roadway due to its proximity to the South Platte River and susceptibility of the Roadway to damage from flooding;

**WHEREAS**, in order to acquire the rights to relocate the Roadway, the property owners have requested that the Roadway be vacated;

**WHEREAS**, although the Roadway is designated as a state highway, the County has an right of way under portions of the state highway which CDOT has requested the County vacate in order to meet the request of the property owners;

**WHEREAS**, the Roadway is currently a public right of way located entirely in the County and outside of the boundaries of a municipality;

**WHEREAS**, pursuant to C.R.S § 43-2-303(1)(b), the Board of County Commissioners may vacate any roadway, or any part of a roadway, that is located entirely within the County, provided the roadway is outside the limits of a municipality; and

**WHEREAS**, after a duly noticed public meeting held on October 31, 2017, the Board of County Commissioners of Morgan County, Colorado, decided to vacate the Roadway, subject to the reservation of an easement for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances, in accordance with C.R.S. § 43-2-303(3), which shall include the right to maintain, repair, replace and expand their facilities within the Roadway.

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

1. The Board of Commissioners hereby finds that vacation of the Roadway satisfies all criteria under applicable law and hereby vacates the Roadway, subject to the reservation of an easement for the continued use of existing

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sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances which shall include the right to maintain, repair, replace and expand such facilities within the Roadway.

2. The County shall have no further obligation to inspect, maintain, repair, or replace the Roadway or any improvements located therein.
3. The Resolution shall take effect only upon written confirmation from CDOT that the relocation project has been completed. Upon receipt of that written confirmation, County staff is directed to record this Resolution in the records of the Morgan County Clerk and Recorder with the written confirmation from CDOT, as Exhibit B attached hereto.

**DATED** this 31<sup>st</sup> day of October, 2017.

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

(SEAL)

**ATTEST:**

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s/ Susan L. Bailey  
Susan L. Bailey

Chairman Zwetzig opened the matter for public hearing and asked the applicants to come forward.

Rich Barker, CDOT, 10601 West 10<sup>th</sup> Street, Sterling, CO introduced CDOT Engineer, Jeff Vicker, 120 North Riverview Road, Sterling, CO who is also present to present today's matter.

Mr. Barker displayed a map of the area in question today stating they have been working with John Yocum after the 2013 flood to get the road away from the river explaining how that rendered sections of the roadway unusable. He stated Mr. Vickers would speak of the highway and the plan to better protect the roadway in question. Up to and into Section 8, up to where the County received an actual deed from a property owner in 1922, they are asking for a vacation of that easement and pointed out that segment on the display. He pointed out the Orphan Wells site and explained how Orphan Wells would be able to access, and the adjacent landowner and spoke of the various areas, Central Water who bought to the west of the highway and indicated John Yocum as being the underlying landowner all the way up to Section 8. On top Bijou Creek in Section 8 is the underlying landowner resulting in a sixty foot segment. He stated the very, very north end, where it joined the original bridge that is the area which is owned by the County. The new alignment plan, certainly built with shoulders and turns that are not sharp, a better highway altogether.

Mr. Vickers stated they are looking at aligning approximately 80-100 feet of highway/roadway and has looked at it being mandated there is no more than six inches rise in elevation of 8500 to 8800 feet of water, pointing out the area in question and how it will be constructed. He outlined the plan, if it happened to fail, how it could be redone and the reusable factor of the water runoff. The need for this is there after the 2015 event given the infrastructure problems that occurred.

Mr. Kennedy asked in doing this project will the old roadway be left open, with Mr. Vicker stating there will be a detour set up for traffic to utilize. Mr. Kennedy asked about access points with Mr. Vicker answering his question as necessary.

Mr. Barker further spoke about the water situation and the fact they are looking at paying for a new stock water well for Mr. Yocum. The term of the project is scheduled for 130-150 days indicating there is a large amount of rock, and hope to tie in as quickly as possible.

Chairman Zwetzig pointed out this discussion has been going on for quite some time and the County Attorney has been involved in this matter and the resolution being presented is for vacating only the area in need and all existing rights of ways are reserved in the County's right of way and the most important part as read aloud by Chairman Zwetzig, stating "the Resolution shall take effect only upon written confirmation from CDOT that the relocation project has been completed. Upon receipt of that written confirmation, County staff is directed to record this Resolution in the records of the Morgan County Clerk and Recorder with the written confirmation from CDOT, as Exhibit B attached hereto." He assured that everyone has right of ways at all times, and feels this will be a great improvement to Morgan County. Chairman Zwetzig asked Ms. Cherry if she had any comments, and explained that the reason she was involved was due to her being the Floodplain Administrator. Ms. Cherry stated that CDOT will be working with the County to get their floodplain development permit that is in their plan and scope of work so that will be done with this project.

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Commissioner Arndt stated the Board did meet with Orphan Wells and a representative for Mr. Yocum and those necessary and everyone is on board with the matter and the access the County had was not known given this went back so long in history, not knowing it was more than just an access to some state land.

Mr. Barker further stated the vacation of the easement was more pronounced because it was a separate alignment.

The utilities that are in the right of way will be moved to the east side of the new alignment as per Mr. Barker, thus there will be not be any need for utilities in the old alignment.

Mr. Vicker stated Orphan Wells is also going to raise up their structures in place right now to get those out of any flooding area due to being on the open side of the flooding area and further indicated the project timeline is proposed for completion in the fall of 2018 and noted they are currently waiting on the new flood funding package.

Mr. Kennedy asked the question if they are going to continue to rock the area, with Mr. Barker stating probably not as it is already rocked, only if it would appear to become a problem and may have to come back at a later date to re-enter.

Rich Barker spoke stating what takes so long in getting a project like this up and running is working with the environment process Army Corp of Engineers as they are very strict about what can be done in the river, explaining that they have complete approval on this new alignment and hope to get it built sooner than fall of 2018 stating since 2013 there were 100 bridges that incurred damage just in the northeast Colorado area.

At this time, Chairman Zwetzig opened for public comment with Derek Moser stating 1219 Edmunds, Brush, CO indicating for whatever reason he took all the canal routes, for the Alzheimer's walk, it looked like they re-routed the river, wondering if they re-route, if they mine for minerals. He stated the route he took to go back to Greeley, explaining what had taken place after the flood, with Chairman Zwetzig asking Mr. Moser to pertain his discussion to the application. Mr. Moser approached the map and stated they will be getting free property and that wildlife will go "this way and this way", pointing to an area on the display. Mr. Moser further indicated he had reported seeing a wolf by Country Steakout and wildlife and made further comments not pertaining to this matter.

Jeff Vicker stated that all of the environmental compliance is federally mandated and they are dealing with the appropriate departments taking into account all the information expressed, stating the state is acquiring this property and provided detailed explanation of their process. He also indicated they do not mine the waterway to answer Mr. Moser's question.

At this time, Chairman Zwetzig moved to discussion and decision. After no further discussion, Commissioner Teague made the motion to approve Resolution 2017 BCC 45, a resolution approving the vacation of certain portions of unnamed county road, designated as part of State Highway 144, noting that the certain portions will be designated in the legal attached to the resolution, further noting that the resolution shall take effect upon written confirmation from CDOT that the relocation project has been completed as presented. Commissioner Arndt seconded the motion and motion carried 3-0.

Chairman Zwetzig thanked everyone for attending today and being no further business, the meeting was adjourned at 10:23 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

**(Minutes ratified November 7, 2017)**

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

(SEAL)

ATTEST:

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s/ Susan L. Bailey  
Susan L. Bailey