

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting June 9, 2020

As reflected in posted agenda:

The County Will Be Abiding By the Social Distancing Requirements in Public Health Order 20-28 for This Meeting. Due To Limited Space In The Assembly Room, Remote Attendance Is Encouraged. If You Have Any Questions Regarding Attending The Meeting, Please Contact Karla Powell at 970-542-3500.

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83507856838> If you cannot connect via Zoom, you may submit written public comment to bccmorganc@co.morgan.co.us by email by 4 p.m. on Monday June 8, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83507856838> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 835 0785 6838

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83507856838> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 835 0785 6838.

The Board of Morgan County Commissioners met Tuesday, June 9, 2020 at 1:32 p.m. with Chairman Mark Arndt, Commissioner Jon Becker, Commissioner James Zwetzig, County Attorney Kathryn Sellars, Planning Administrator Pam Cherry, Clerk to the Board Susan Bailey, and Deputy Clerk to the Board Randee Aleman in attendance. Chairman Arndt asked Morgan County Clerk and Recorder Susan Bailey to lead the meeting in the Pledge of Allegiance.

PUBLIC HEARING

Chairman Arndt called the hearing to order at 1:34 p.m. in the Assembly Room of the Morgan County Administration Building.

1. Colorado Liberty Pipeline as Applicant Various landowners along Co Rd A through Co Rd 24 in Morgan and Adams County for a Special Use Permit to place 24" crude oil pipeline.

Chairman Arndt asked the applicant to introduce themselves at which time Chad Pollock, ??, Commerce City, CO 80022 and Jason Brinkley, outside counsel representative, 1200 17th Street, Denver, CO 80202.

At this time, Chairman Arndt asked Planning Administrator Pam Cherry to present the application at which time she asked if it would be appropriate to state the information as listed in their provided packet with all Commissioners in agreement. Ms. Cherry

APPLICANT: Colorado Liberty Pipeline

LANDOWNERS:

Landowners:

Klausner Inc
Kristopher J. & Jessica M. Musgrave
Carl Wayne & Blanche Marie Lane
Steven J. & Robin Sorenson
Ben Bratrsovsky
Sharen K. Bader Trust
Jikaduka, LLC
Bernard A. & Brenda R. Boehmer

Guy & Dora Lee Shay
Platt Energy Holdings
Canh Thieu Khuu & Hanh Huu Tran
State of Colorado
Midcap Farms
Anthony W. Linnebur

Freund Investments, LLC
State of Colorado
State of Colorado
State of Colorado
State of Colorado
State of Colorado
Shirley M. Linnebur, for & during the term of her natural life, with the remainder, after the termination of the life estate, to Jerry Linnebur, Danny Linnebur, Donna Sauer, Robert Linnebur, Linda McDonald, & Edward Linnebur
Staci A. Erker

Legal Descriptions:

SW $\frac{1}{4}$ N $\frac{1}{2}$ Section 31, T1N, R60W
SE $\frac{1}{4}$ Section 31, T1N, R60W & SW $\frac{1}{4}$ Section 32, T1N, R60W
SE $\frac{1}{4}$ Section 32, T1N, R60W
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T1N, R60W
SW $\frac{1}{4}$ Section 33, T1N, R60W
SE $\frac{1}{4}$ Section 33, T1N, R60W
SE $\frac{1}{4}$ Section 33, T1N, R60W
W $\frac{1}{2}$ Section 34, T1N, R60W
& S $\frac{1}{2}$, SE $\frac{1}{4}$ Section 34, T1N, R60W
SE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 34, T1N, R60W
SW $\frac{1}{4}$ Section 35, T1N, R60W
SE $\frac{1}{4}$, NE $\frac{1}{4}$ & SE $\frac{1}{4}$ Section 35, T1N, R60W
W $\frac{1}{2}$ Section 36, T1N, R60W
E $\frac{1}{2}$ Section 36, T1N, R60W
Lots 1, 2, 3, & 4 (aka W $\frac{1}{2}$ W $\frac{1}{2}$), E $\frac{1}{2}$ W $\frac{1}{2}$
& the E $\frac{1}{2}$ of Section 31, T1N, R59W
W $\frac{1}{2}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32, T1N, R59W
E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32, T1N, R59W
All of Section 33, T1N, R59W
All of Section 34, T1N, R59W
All of Section 35, T1N, R59W
All of Section 36, T1N, R59W
S $\frac{1}{2}$ Section 31, T1N, R58W
S $\frac{1}{2}$ Section 32, T1N, R58W

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The Marjorie A Schick Trust No. 1 under agreement dated August 27, 2003	S½ Section 33, T1N, R58W
Dennis & Connie Hawes	NW¼, NE¼ & W½ Section 34, T1N, R58W
Dennis & Connie Hawes	S½ NE¼, NE¼ NE¼, SE¼ & part of the SW¼ Section 34, T1N, R58W
Eldon and Karen Hawes	Most of Section 35, T1N, R58W
Mountain Tower and Land	5 Acres of Section 35, T1N, R58W
Ron D. & Barbara K. Hawes	All of Section 36, T1N, R58W
Edwin C. & Hazel M. Jess	NW¼ & W½ SW¼ Section 31, T1N, R57W
Edwin C. & Hazel M. Jess	E½ SW¼ Section 31, T1N, R57W
The Tammy Jess Trust, dated April 4, 2019	SE¼, SW¼ NE¼ Section 31, T1N, R57W
Jobe J. & Ruby J. Ramey	S½, NE¼ & part of the NW ¼ Section 32, T1N, R57W
Lewton Land Co., a Colorado general partnership	All of Section 33, T1N, R57W
Lewton Land Co., a Colorado general partnership	All of Section 34, T1N, R57W
Jinxia Dong & Jiuzhing Lin	SW¼ Section 35, T1N, R57W
Shifting Sands Ranch, LLC	All of Section 35 EXCEPT a 17 acre parcel located in the SW¼, in T1N, R57W
State of Colorado	All of Section 36, T1N, R57W

Ms. Cherry stated the Planning Commission considered this application at their meeting on February 10, 2020 and unanimously recommends approval. This application was then scheduled for a hearing before the Board of County Commissioners on April 7, 2020 and was continued until May 21, 2020. On May 21, 2020 the County Commissioner meeting was again continued until June 9, 2020 to allow for public, in-person participation.

Ms. Cherry explained there were approximately seven citizens in attendance for this at the Planning Commission meeting for this agenda item. Three spoke in opposition to the application stating their concerns:

- Need more time for negotiations with Liberty
- Size of pipeline is 24", twice the size of the previous
- Property values
- Natural landscape, wildlife, welfare and erosion potential
- Nature of negotiations – threats of eminent domain/condemnation and generally confrontational
- Neighbor will be hurt – need assurance in case of accident/spill
- Impact to county roads and maintenance of them
- Request to have 48" of cover over pipeline
- Temporary additional easement during construction
- Liberty should negotiate in good faith
- Taking advantage of Morgan County

Application Overview

Ms. Cherry stated applicant, Colorado Liberty Pipeline, LLC, and various owners, listed above, have submitted an application for a Use by Special Review application for approval to construct and own a 24" crude oil/condensate transmission pipeline across approximately 24 miles in south Morgan County, which is primarily cultivated crops and grassland. There are 38 parcels along the Morgan County pipe alignment. According to Jake Rosenberg, easements for the pipeline have largely been successfully negotiated with the individual property owners. The pipeline will be no greater than 24" in diameter. The project will also include two valve sites and multiple access roads that will be labeled as required by the United States Department of Transportation and the Office of Pipeline Safety. A total of 12 county roads will be crossed by the pipeline. Crossing permits have been issued by Road and Bridge.

Ms. Cherry explained that Liberty Pipeline will begin in Platte County, Wyoming, near Guernsey and traverse through Colorado and Kansas before terminating in Lincoln County, Oklahoma near the town of Cushing. The pipeline will enter the southwest corner of Morgan County from Weld County. It follows the southern Morgan County line for approximately 24 miles then will cross south into Washington County on property owned by the State of Colorado, parcel #1489-360-00-900 which is the terminus of the Morgan County portion of the pipeline. The pipeline will be located within a 50 foot permanent easement. Additionally, there is a temporary easement agreement with each property owner that allows an additional 50 feet to be used for construction purposes. The easement will be maintained, free of trees and tall shrubs for the life of the project.

Ms. Cherry stated that the pipeline will provide an integrated infrastructure network that serves the Rockies and Bakken shale oil producing regions with connectivity to Cushing, Oklahoma. Construction is anticipated to begin during the first quarter of 2021 which may be at any point on the alignment. Construction in any area will last 6-12 months. Trenching is proposed to be as short of a time as possible. When backfilled, the construction sites will be stabilized and reseeded with appropriate seed mixes.

Ms. Cherry explained the application includes a documentation of Best Management Practices that will be implemented throughout the construction including waste handling, dust control, fire prevention and suppression, release prevention and control, weed management, stormwater, minimal impact on irrigated Ag property and noise.

- a. Pursuant to Section 2-325 of the Morgan County Zoning regulations requires any use, not designated as a Use by Right, Accessory Use, Conditional Use, Use by Special Review or not otherwise prohibited in a

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particular zone, may be approved as Use by Special Review pursuant to the criteria and procedure as established by these Regulations.

- b. Pursuant to Section 4-464(G) All oil and/or gas shall be transported from the wellhead to the production facilities by buried or above-ground pipeline or other approved method.

Ms. Cherry explained the Criteria to be used to review special use applications:

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.
Chapter 8, Utilities, Public Facilities and Services, of the comprehensive plan Policy H10 – Utility facilities are to be properly sited with due regard to environmental quality by minimizing impact to agricultural and other surrounding land uses, visual quality, physical and biological resources.

*Policy H11 – Utility facility siting should consider consolidation with or joint tower use, paralleling of existing facilities where appropriate with regard to sound environmental planning, system reliability, structural integrity and where economically feasible.
The pipeline will share an existing right-of-way with Excel Energy.*
- (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.
Liberty will negotiate and execute easements with all landowners crossed to define Liberty's use of the property. Liberty has obtained all necessary road crossing permits.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
The proposed use will be compatible with the existing and surrounding uses through land reclamation processes following construction.
- (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.
The project has been designed and will be constructed and operated to conform to standards and procedures outlined by the Department of Transportation Pipeline and Hazardous Materials Safety Administration
- (G) The special use proposed is not planned to be developed on a non- conforming parcel.
All parcels crossed are conforming.
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
The project will serve current and forecasted market energy demand and will help supply the strategic petroleum reserve.
- (I) For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.
The water requirements during construction will be procured in accordance with state permitting, and are anticipated to be minimal for dust control and lubrication for horizontal direction drilling.

Analysis

Ms. Cherry stated that Liberty Pipeline submitted this application on December 24, 2019. Exhibits A-P, additional information provided includes documentation of negotiations with each property owner along the proposed pipeline alignment.

Ms. Cherry explained that the site plan shows the entire pipeline alignment with labels for property owners on each parcel to be effected as well as road crossings that will be necessary. The application includes typical cross sections of the pipeline and typical construction methods to be utilized.

Ms. Cherry stated the properties that are crossed by the pipeline are zoned Agriculture Production as are all of the surrounding properties. There will be no visual impact to surrounding properties upon completion of the construction the alignment will be reclaimed and returned to existing uses. There is no need for upgrade to existing infrastructure or additional infrastructure needed to county or special districts.

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Best Management Practices will be implemented to address the construction impact mitigation and restoration, proper waste handling, dust suppression, fire prevention and suppression practices, spill prevention, containment and countermeasures, weed management and minimization of impacts to irrigated agricultural land.

Ms. Cherry stated that this is a buried pipeline and is compatible and buffering is not necessary. Draft haul route maps have been submitted and road crossing permits have been obtained from Road and Bridge both of which are included in your packets. In addition, Liberty Pipeline is in negotiations with Excel Energy related to the use of the easement.

At this time Ms. Cherry suggested conditions of approval:

1. This approval grants vested rights for a period of 3 years from the date of approval.
2. The pipeline area will be returned to its pre-construction condition and seeded with Morgan County Extension Service approved seed mix.
3. Liberty Pipeline shall obtain all permits necessary by the State of Colorado and federal agencies and shall remain in compliance with the requirements and conditions of those permits.
4. Liberty Pipeline shall apply for and be granted a Special Use permit for a pipe staging and storage area, if located in Morgan County, prior to commencement of construction activities.
5. Liberty Pipeline will complete negotiations with Excel Energy on possible right-of-way conflict prior to start of construction.

Comments received on this application:

There is the potential for right-of-way conflict with Excel Energy, Liberty Pipeline is in negotiations to reach a resolution.

Two letters of support that Ms. Cherry were referenced, and those names were Jacob Rosenberg, requesting the three year vesting, and a letter of support from James Thomforde, 429 Cambridge Street, Brush, stressing the importance of projects such as this, as well as a letter of support from basically stating the same thing as the aforementioned letter, James Quint, 4618 County Road Z.5, Weldona, CO. Chairman Arndt asked that this information be noted in the record and all three Commissioners have a copy of each of these letters.

At this time, Chairman Arndt asked if the applicant had any further information to add to the application. Mr. Pollock thanked the Board for listening to the application and provided an update 37 of the 38 tracts acquired and are finalizing the negotiations with the last landowner at this time. Once this is executed they will have the information ready for applying for the right of way with the county. Commissioner Zwetzig asked about the negotiations with the final landowner, and what the finalization involves. Mr. Pollock stated they need to coordinate with the State of Colorado as there is a conservation easement on the property as well, so will be working towards finalizing that.

Chairman Arndt asked about the road and bridge referrals, with Ms. Cherry stating the "haul outs" were sent to the Road and Bridge Department and she has not received any comments. Chairman Arndt stated this will be one question he will have is regarding the amount of traffic per day.

At this time Chairman Arndt asked if there was anyone in opposition to this application who would like to speak regarding this application, asking them to raise their hand or use the chat option with Ms. Kopetzky stating there is no one who has done so. Chairman Arndt asked if there was anyone in support of this application who would like to speak regarding this application, asking them to raise their hand or use the chat option with Ms. Kopetzky stating there was no one who has done so. Chairman Arndt noted there was no one else in the audience other than a representative from the Road and Bridge Department. Chairman Arndt stated that those who would like to speak to be sure to identify themselves at this time in order to participate in the public comment period of time. Ms. Kopetzky stated there was no one who was on the chat remotely and Chairman Arndt closed the public comment portion of the hearing at this time.

At this time, Commissioner Zwetzig asked Ms. Cherry about the statement she made regarding the three that spoke in opposition to the application with Ms. Cherry stating they were all landowners, and she has not had any opposition pulled from the record.

Mr. Pollock provide a response to this concern, explaining the reasons for each landowner and their situation. Commissioner Zwetzig then asked if they could address the comments received during the planning commission hearing, "threat of imminent domain and condemnation" with Mr. Pollock explaining that the landowner received a final offer letter and if they did not respond they would have to file a condemnation matter and stated that has not been acted upon.

Commissioner Zwetzig stressed the approval of an application would highly depend on the ability to negotiate with landowners, and the response to this concern. Mr. Pollock stated he did find they have negotiated in good faith with the landowners and explained the two that they have come to terms as well as compensation with those landowners. Commissioner Zwetzig asked how big a part of the pipeline is the last landowner presenting, with Mr. Pollock stating one quarter of a mile, and the fact there can be no above ground disturbance given there is a conservation easement at this location. Further discussion and questions were asked regarding the conservation easement, with Mr. Pollock explaining the depth of their bore, and the series of cottonwood trees and there will be no impact to the roots of those trees, realizing they cannot disturb anything above ground.

Commissioner Zwetzig asked how many easements had been approved at the time of the planning commission, with Mr. Pollock stating approximately 60 percent, with Mr. Brinkley stating he believes it was probably around 80

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percent due to Morgan County being a bit higher than the other counties. Mr. Pollock stated there are two tracts, about a half of a mile in area that is outstanding at this time.

Commissioner Zwetzig asked about the easement being maintained with the applicant providing a response to the question, regarding the trees in the area and the ongoing growth of the trees for the pipeline itself. The easements do not require them to go back years later to ask the landowners about doing any type of work in the future with the applicant stating they normally do reach out to the landowner if this should be necessary. Commissioner Zwetzig asked typically how often they have to go back on the property to maintain the above ground issues given the terrain this is referring to. Mr. Pollock stating typically that is situational and when they have to mobilize, they will make contact with the landowner or contact 811 if they need to be on the property.

Discussion followed regarding an issue with Xcel Energy and the applicant provided the response to the concern. Mr. Pollock believes the licensing will be obtained from Xcel Energy without any major issues stating the work well with each other. If this licensing would not be issued and it would require rerouting, it would require another public hearing, with Ms. Sellars stating yes.

It was verified by the applicant that the easements have been recorded with the exception of one as questioned by Commissioner Zwetzig. Commissioner Zwetzig asked about their history of issues regarding the pipeline safety, with Mr. Pollock providing a detailed explanation of what they do to ensure the safety of the pipeline.

Commissioner Zwetzig asked about the rest of the public this is a crude oil pipeline and if it was to leak, what would they classify as the risk of this, how much would have to leak out before it would be a problem. Mr. Pollock stated they are able to measure by pressure loss, and if there was any, they would shut the valves down and they would mobilize crews at that time, any loss of pressure would solicit an immediate response. The loss of product would be minimal as stated by Mr. Pollock, the pipeline is able to do 400,000 barrels a day, and they do have shut off points in the County.

Commissioner Zwetzig asked about during the construction of the pipeline, how many people do they plan to have in the area. Mr. Pollock stated they are still working through the matter and does not have a specific number. He stated that Liberty has acquired land in Weld County explaining what that location will entail, but could not answer at this time. Commissioner Zwetzig stated that part of that as called laid down areas, it would be beneficial to have those in closer area to the pipeline, so potentially those could be in Morgan County, with Mr. Pollock stating potentially, and he did not want to speak on behalf of the contractor. The project timeline is to take approximately 6-12 months, explaining the reason for stating this range. Mr. Pollock stated he is not able to speak at this time for the contractor where they will station the areas in question. It is anticipated that the construction workers may utilize the local area restaurants, and businesses given this project with Mr. Pollock stating potentially.

The route maps were discussed with Ms. Cherry stating the route maps were provided to the Road and Bridge Department, and Commissioner Zwetzig asked Mr. Goodman if he had any comments regarding the route maps. At this time, Mr. Goodman reviewed the route maps provided by Ms. Cherry and he stated they are vague. Commissioner Zwetzig asked about the criteria for roadways dedicated for use, and what the impact may be feeling that has not been accomplished. Mr. Goodman asked what the length of what it will take for them to be in Morgan County, with Mr. Pollock stating 6 to 12 months, with Mr. Goodman stating that is from the bottom section, with Mr. Pollock stating they will be on the north side, with the total number of crossings being four, with Mr. Pollock stating that was correct. It was discussed there are 12 county roads, and 24 crossings, with Mr. Goodman stating the permit does not indicate this information. Mr. Goodman then asked if Liberty is on the north side of the entire portion of the road, from County Road 0, and the fact that Adams County maintains this section, explaining what has occurred in the past where this area is shared and a permit has to be obtained from both Morgan and Adams County. Mr. Pollock stated they will be in Morgan County and that would be where the permit would be required. HUTF funding would be received from County Road 3 to County Road 4 as per Mr. Goodman, by Adams County, and he further explained the location of what his discussion entailed. Commissioner Zwetzig stated he is more concerned about the impact to County Roads and stated he does not want to see a permit be approved if there will be expenses incurred to the County for road and bridges.

Commissioner Zwetzig thanked the applicant for being in agreement to continue these hearings and stated what is new to the application, is the request to exercise the three year extension for vesting. Ms. Sellars stated the standard is three years, but that can be negotiated. Commissioner Zwetzig asked if it is possible for the applicant to come back between now and those three years and ask for an extension, with Ms. Sellars stating yes.

At this time, Ms. Sellars explained what vesting rights entails and the fact that it is a protection to the applicant. Once the project is completed, they do not need vesting rights. Mr. Pollock stated they are looking at construction commencing early 2021 with completion by 2022 and that would be for the entire project in Colorado, not just Morgan County.

Commissioner Becker stated his questions have been answered at this time through those of Commissioner Zwetzig's.

Chairman Arndt asked about the impact to roads and if there are any pipe storage yards needed, that would require a special use permit with the applicant stating he understands.

Mr. Pollock stated for the duration while in Morgan County they believe 350-400 trucks in the county over the duration of the project, total truckage, from small trucks, to delivery and others. He does not have the number for the pipe delivery. Chairman Arndt stated that information is important; explaining his reasons why he would like to know those numbers, and feels the road and bridge department needs to get involved to know what the impact will be to the roads in the County. Commissioner Zwetzig asked how he suggests it be calculated.

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Mr. Brinkley spoke stating that other counties after the permit is approved, there is coordination in place between the applicant and the road and bridge department to work together on the potential damage to the county roads, and one of the biggest reasons to install the pipeline is to remove the trucks from the roadway. Ms. Sellars stated there is a comment from Jacob Rosenberg, with Ms. Sellars reading the information from the "remote chat".

Jacob Rosenberg, consultant with BRM, Phillips 66, stated he does not have much to add, but what they can do is to provide a map of where the traffic will be coming from, recognizing that could change and would keep the road and bridge department apprised of any routes the contractor's needs may require. Ms. Sellars suggested the County and the applicant enter into a road agreement that could be implemented so those routes would be incorporated and known.

Further discussion followed with Mr. Goodman making comment regarding the permits that have been completed stating he believes they need to be reviewed, with Ms. Sellars stating there are 26 permits further showing them to Mr. Goodman. Mr. Goodman will review those and make a determination of those.

Mr. Brinkley asked about one of the conditions that were read regarding the reclamation of the right of way with the grass seed as identified with the Morgan County Extension office. Mr. Brinkley stated that landowner by landowner has given the right for different seeding of grass, and reclaiming the right of ways, and wants to be sure they are on the same page as the County regarding this requirement. Mr. Brinkley stated their standard form of easement is they will reclaim the surface of disturbance and further explained what sets the standard of what they have to reclaim but in dealing with cultivated crops, that is a different reclamation, and deal with this with landowner by landowner of what there will be to be reclaimed. Ms. Cherry stated this condition should have read "soil conservation" or what is mutually agreed by the landowner and applicant and she verified this came from the planning commission.

Commissioner Zwetzig ask about them being required to operate under the state and federal permits, asking if the state permit as being more difficult this year. Mr. Pollock stated there is not specific state permit required other than the storm water permit, as it is county by county. They are going through four counties in Colorado and they are waiting on Weld County, but have received Washington County's permit and Kit Carson County permits.

Mr. Brinkley asked to clarify the condition regarding the reclamation, with Ms. Sellars stated that can be taken care of during the discussion and included in a motion.

Ms. Sellars explained that vesting rights is not a condition of approval, this is a separate matter, and not to include that in a motion. Commissioner Becker asked about condition number 5 with Ms. Sellars stating that is probably a moot condition, if that cannot be negotiated, they will not be able to move forward with the project, and would have to return to the County for review.

Ms. Sellars provided proposed motion language to approve the special use permit application for Colorado Liberty Pipeline for the properties as presented in the application and granting a vested rights period of three years, subject to the following conditions:

1. Applicant shall enter into a road use agreement in a form and substance acceptable to the County Attorney and the Morgan County Road & Bridge Department prior to commencement of construction activities.
2. The pipeline area shall be restored to its pre-construction condition as mutually agreed upon by the Applicant and the property owner.
3. The Applicant shall obtain all permits necessary by the State of Colorado and federal agencies and shall remain in compliance with the requirements and conditions of those permits.

At this time, Commissioner Zwetzig made the motion as proposed and Commissioner Becker seconded the motion, noting conditions 1-3. Commissioner Zwetzig asked the applicants if the language in the conditions was satisfactory with the applicant stating yes. At this time the motion carried 3-0.

Commissioner Zwetzig made it clear that the applicant needs to work with the Road and Bridge Department regarding the permits and the road issues.

Chairman Arndt asked if there was any further business to bring before the Board, and upon hearing none, the meeting was adjourned at 2:41 p.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board
(Minutes ratified July 9, 2020)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

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

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(SEAL)

ATTEST:

s/ Susan L. Bailey

Susan L. Bailey