

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting July 24, 2018

The Board of Morgan County Commissioners met Tuesday, July 24, 2018 at 9:04 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Laura Teague in attendance. Chairman Arndt Morgan County asked Morgan County Road Supervisor John Goodman 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 Zwetzig seconding the motion. Motion carried 3-0.

CONSENT AGENDA

Ratify the Board of County Commissioners approval on Contract 2018 CNT 160, Jemcko Technologies, Inc., phone/data services, Term of Contract July 16, 2018 until July 15, 2019.
Ratify the Board of County Commissioners approval on Contract 2018 CNT 161, Don Heer, Use of 512 Edmunds St. for Coroner Facility, Term of Contract August 1, 2018 through July 31, 2019
Ratify the Board of County Commissioners approval on Contract 2018 CNT 162, Duck Down Masonry & Tile, re caulk control joints justice center admin, Term of Contract July 16, 2018 until completed
Ratify the Board of County Commissioners approval on Contract 2018 CNT 163, Bucker's Unlimited #9032, sponsorship/ advertising for county fair, Term of Contract July 6, 2018 until completed
Ratify the Board of County Commissioners approval on Contract 2018 CNT 164, Premier Fire Protection, inspect fire sprinkler system at DHS and justice center, Term of Contract July 16, 2018 until completed
Ratify the Board of County Commissioners approval for disposal of assets, (1) 2013 Dodge Charger, asset #1807, dated July 12, 2018
Ratify the Board of County Commissioners approval of the waiver of fairground fees for Craig Carr Recovery Fund
Ratify the Board of County Commissioners approval of assignment of debt collections to State Collections. Client #171530,171623, 180580, 180616, 180544, 180541, 180415, 180411, 180420, 172460A, 180171, 180554, 180392, 180627, 180431, 180894, 180402, 172035, 180600m 180553, 180593, 180445, 180062, 180090, 161590, 180493, 180551, 180433, 180436, 180414, 180264, 180486, 180458, 180278, 180232, 180550, 180376, 161087, 172113, 180162, 180331, 180099, 180266, 180602, 180393, 180394, 180368, 180463, 180603, 172466, 180001, 180543, 180578, 180455, 180791
Ratify Chairman Mark Arndt's signature on the Certification of File & Document Retention for the CDBG-DR Resilience Planning Program signed on July 18, 2018

Commissioner Zwetzig 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 - 2018 BCC 2018 BCC 20, A resolution conditionally approving a conditional use permit for the construction of a buried natural gas liquids pipeline to enter Morgan County in the NW¼ of section 3, township 6 north, range 55 west and exit the county in the W½ of section 24, township 6 north, range 55 west of the of the 6th P.M., Morgan County, Colorado

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2018 BCC 20

A RESOLUTION CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A BURIED NATURAL GAS LIQUIDS PIPELINE TO ENTER MORGAN COUNTY THE NW¼ OF SECTION 3, T6N, R55W AND EXIT THE COUNTY IN THE W½ OF SECTION 24, T6N, R55W OF THE OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, certain property owners, listed on **Exhibit A**, attached hereto and incorporated herein by reference, (the "Owners") own certain properties ("Properties"), all of which are located in the "A" Agriculture Production Zone District;

WHEREAS, pursuant to Section 3-175(FF) (properties greater than 20 acres) of the Morgan County Zoning Regulations, a natural gas liquids pipeline requires a Conditional Use permit;

WHEREAS, OneOK (the "Applicant"), on behalf of the Owners, filed an application for a Conditional Use Permit pursuant to Sections 2-305 through 2-315 and 2-350 through 2-430 of the Morgan County Zoning Regulations to construct a natural gas liquids pipeline across the Properties, attached hereto and incorporated herein by reference;

WHEREAS, on June 18, 2018, the Morgan County Planning Commission held a duly noticed public hearing on the application where they received public comment, staff input and recommended approval of the Application;

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WHEREAS, on July 6, 2018, the Board of County Commissioners held a duly noticed public hearing and receiving testimony from staff and the applicant and the Planning Commission's recommendation; and

WHEREAS, the Board of County Commissioners desires to grant the Conditional Use application as provided for herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, that based upon the findings below that they approve the application as follows:

1. The Board of County Commissioners having reviewed the Special Use application, all information provided, testimony heard and the criteria for a Special Use as set forth in Section 2-315 of the Regulations find that:
 - (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.
 - (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.
 - (D) The use proposed is compatible with the surrounding uses and adequately buffered as necessary.
2. The Board of County Commissioners hereby conditionally approves the Conditional Use subject to:
 - (A) This approval grants vested rights for a period of 3 years from the date of approval.
 - (B) Road crossings will require a permit from Morgan County Road and Bridge. Road cuts are not permitted on paved roads.
 - (C) The pipeline area will be returned to its pre-construction condition.
 - (D) ONEOK will obtain all permits necessary by the State of Colorado and federal agencies and will remain in compliance with the requirements and conditions of those permits.
 - (E) Easement agreements must be obtained from the property owners and recorded prior to commencing construction.
 - (F) Final as built alignment shape file will be provided to the County, subject to a confidentiality agreement, upon completion of construction.

Dated this 24th day of July, 2018, *nunc pro tunc* July 6, 2018.

EXHIBIT A

Arnold Piel	NW¼ Section 3, T6N, R55W and the S½ of NE¼
Douglas E. Piel	SE¼ of Section 3, T6N, R55W
Jay Harryman	SW¼ Section 2, T6N, R55W
Mark Mertens	NW¼ Section 11, T6N, R55W
Alan Ladd	NE¼ Section 11, T6N, R55W
Gerald Montague	S½ Section 11, T6N, R55W
Margo D. Mesch	S½ SW¼ Section 12, T6N, R55W
Matt Baker	NE¼ Sections 8, T6N, R56W
Darrel L. Dilley	W½ Section 13, T6N, R55W
Darrel L. Dilley	W½ Section 24 T6N, R55W
Owen Nichol森 Jr.	W½ NW¼ NE¼, SW¼NE¼, W½SE¼, SE¼SE¼ & S½NE¼ SE¼ S½ Section 13 T6N R55W

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

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(SEAL)

ATTEST:

s/ Susan L. Bailey

Susan L. Bailey

Morgan County Planning Director and Flood Plain Administrator, Pam Cherry to the Board for approval, a Resolution 2018 BCC 20, a resolution conditionally approving a conditional use permit for the construction of a buried natural gas liquids pipeline to enter Morgan County in the NW¼ of section 3, township 6 north, range 55 west and exit the county in the W½ of section 24, township 6 north, range 55 west of the of the 6th P.M., Morgan County, Colorado. Ms. Cherry stated that on July 6, 2018 the Board held a public hearing on a Conditional Use to permit the construction of a natural gas liquid pipeline in the northeast area of the county. The application was approved and staff was requested to prepare this resolution for signature.

Commissioner Teague asked about the condition whereas they were to obtain approval from all landowners prior to considering approval of the final resolution. Ms. Cherry stated she has not received that information and would check with the applicant to see if the approval has been obtained. Ms. Cherry read aloud the condition in the resolution that indicates this requirement. Commissioner Zwetzig stated he believes there was discussion regarding this matter that consents were what was required in the regulations and all landowners had signed and further asked Ms. Sellars if they followed the terms of the regulations.

Ms. Sellars stated yes they did follow the regulations because the landowners are the applicants which would mean they are consenting to the application. At this time, Ms. Cherry confirmed that she has double checked the information and further discussion followed regarding the fact that easements must be obtained before granting a permit. Commissioner Zwetzig asked about the permit itself as being valid for three years whereas this approval grants vesting for a three year period and will that period of time commence from today's signing of the resolution or from the hearing date which was July 6th. Ms. Sellars stated it would commence July 6th upon the signing of the resolution nunc pro tunc and the vested rights period essentially protects the applicant from any future actions from the county such as rezoning of the property or a change in the regulations that would outlaw buried pipelines were examples provided.

Commissioner Zwetzig asked is it wrong to not require the pipeline companies from condemning an easement, with Ms. Sellars stating she has not looked at that in a very long time, she is not able to answer the question given she has not done the research. Discussion followed with what language could be in regulations to act in good faith and not to be heavy handed in how they handle certain regulations.

Commissioner Teague asked the question about the condemnation question to Mr. Seastrom who was present in the audience who stated he did not know. Commissioner Teague stated she has asked the Clerk to the Board to review the recording of the meeting to be sure it is known what was exactly stated in the motion on July 6th and would suggest tabling the matter until the recording could be listened to.

Commissioner Teague made a motion to table resolution 2018 BCC 20 until next week, July 31st to give ample time to review the recorded minutes. Commissioner Zwetzig seconded this motion and motion carried 3-0.

Consideration of Approval – RESOLUTION - 2018 BCC 2018 BCC 21 A Resolution granting a two lot minor subdivision located in the NW1/4 of section 26, township 4 north, range 60 west of the 6th P.M., Morgan County, Colorado

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2018 BCC 21

A RESOLUTION GRANTING A TWO LOT MINOR SUBDIVISION LOCATED IN THE NW¼ OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 60 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Todd and Monroe Young (Owners), own property located described as the NW¼ of Section 26, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado (“Property”);

WHEREAS, Todd and Francie Young (Applicants), on behalf of the Owner have applied for approval of a minor subdivision of the Property into two separate lots pursuant to the County's Subdivision Regulations;

WHEREAS, on June 11th, 2018 the Morgan County Planning Commission held a duly noticed public hearing on the application where they received public comment, staff input and recommended approval of the Application;

WHEREAS, on July 3, 2018, the Board of County Commissioners (the “BoCC”) held a duly noticed public hearing on the application;

WHEREAS, during the public hearing, the BoCC received testimony and evidence from the Applicants and Morgan County staff; and

WHEREAS, the application included letters from adjoining property owners that were in support of the application.

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

1. The BoCC, having reviewed the application, all information provided and testimony heard, finds that:
 - a. The subdivision is in conformance with the Morgan County Comprehensive Plan, and there is access to established public infrastructure.
 - b. Access proposed has been approved by Road and Bridge water will be provided by Morgan County Quality Water, septic system permit for the new lot has been issued by Northeast Colorado Health Department and that the application is complete.
 - c. The minor subdivision has been reviewed by adjoining property owners that support this application.

The BoCC hereby approves the Young Minor Subdivision.

DATED this 24th day of July, 2018 *nunc pro tunc July 3, 2018*.

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

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Morgan County Planning Director and Flood Plain Administrator, Pam Cherry to the Board for approval, a Resolution granting a two lot minor subdivision located in the NW1/4 of section 26, township 4 north, range 60 west of the 6th P.M., Morgan County, Colorado. Ms. Cherry stated that on July 3, 2018 the Board held a public hearing on the 2-lot Young Minor Subdivision.

Ms Cherry stated when the agenda was prepared, the title of the resolution had been copied a number of times as placeholders until they received the final resolution, and clarified this is the Young resolution. Commissioner The application was conditionally approved and staff was requested to prepare this resolution for signature.

Commissioner Zwetzig made a motion to approve Resolution 2018 BCC 21, a Resolution granting a two lot minor subdivision located in the NW1/4 of section 26, township 4 north, range 60 west of the 6th P.M., Morgan County, Colorado as presented by Morgan County Planning Director and Flood Plain Administrator, Pam Cherry ,and authorize the signatures approving the resolution. At this time, Commissioner Teague seconded the motion and the motion carried 3-0.

Consideration of Approval – RESOLUTION - 2018 BCC 2018 BCC 22 A Resolution granting a three lot minor subdivision located in the NE1/4 of section 5, township 3 north, range 57 west of the 6th P.M., Morgan County, Colorado

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

RESOLUTION 2018 BCC 22

A RESOLUTION GRANTING A THREE LOT MINOR SUBDIVISION LOCATED IN THE NE¼ OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Jensen Farms, Inc. (Owner) owns property located described as NE¼ of Section 5, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado (“Property”);

WHEREAS, Don Neb, Plains Realty (Applicant), on behalf of the Owner, has applied for approval of a minor subdivision of the Property into three separate lots pursuant to the County’s Subdivision Regulations;

WHEREAS, on June 18th, the Morgan County Planning Commission held a duly noticed public hearing on the application where they received public comment, staff input and recommended approval of the Application;

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WHEREAS, on July 6, 2018, the Board of County Commissioners (the “BoCC”) held a duly noticed public hearing on the application;

WHEREAS, during the public hearing, the BoCC received testimony and evidence from the Applicant and Morgan County staff; and

WHEREAS, there was no public comment on the application during the public hearing.

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

2. The BoCC, having reviewed the application, all information provided and testimony heard, finds that:
 - d. The subdivision is in conformance with the Morgan County Comprehensive Plan, and there is access to established public infrastructure.
 - e. Access proposed has been approved by the City of Fort Morgan, water and wastewater services will be provided by the City of Fort Morgan and that the Jensen Minor Subdivision application is complete.
 - f. The minor subdivision was referred for comment to property owners within 1,320 feet with no comments received.
3. The BoCC hereby approves the minor subdivision subject to the following conditions:
 - a. City of Fort Morgan water tap fee shall be paid in full prior to recording of the plat.

DATED this 24th day of July, 2018 *nunc pro tunc* July 6, 2018.

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

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Morgan County Planning Director and Flood Plain Administrator, Pam Cherry to the Board for approval, a Resolution granting a three lot minor subdivision located in the NE1/4 of section 5, township 3 north, range 57 west of the 6th P.M., Morgan County, Colorado. The application was conditionally approved and staff was requested to prepare this resolution for signature.

Ms. Sellars asked to amend the first whereas section, to correct a grammatical error stating it should read to say properly located in.

Commissioner Teague made a motion to approve Resolution 2018 BCC 22, a Resolution granting a three lot minor subdivision located in the NE1/4 of section 5, township 3 north, range 57 west of the 6th P.M., Morgan county, Colorado as presented by Morgan County Planning Director and Flood Plain Administrator, Pam Cherry, as approved on July 3rd, 2018 at the public hearing, signing as nunc pro tunc. At this time, Commissioner Zwetzig seconded the motion and the motion carried 3-0.

Consideration of Approval – RESOLUTION - 2018 BCC 2018 BCC 23, A Resolution conditionally approving a use by special review for an agricultural product handling, storage and processing facility, including seed sales on property located in the NW1/4 of the NW1/4 of section 23, township 4 north, range 59 west of the 6th P.M., Morgan County, Colorado

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

RESOLUTION 2018 BCC 23

A RESOLUTION CONDITIONALLY APPROVING A USE BY SPECIAL REVIEW FOR AN AGRICULTURAL PRODUCT HANDLING, STORAGE AND PROCESSING FACILITY, INCLUDING SEED SALES ON PROPERTY LOCATED IN THE NW¼ OF THE NW¼ OF SECTION 23, T4N, R59W OF THE 6th P.M.,

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MORGAN COUNTY, COLORADO

WHEREAS, the BG Land Company, LLC (the “Owner”) owns property located in the NW¼ of the NW¼ of Section 23, Township 4 North, Range 59 West of the 6th P.M., Morgan County, located in the Agricultural Production Zone District;

WHEREAS, Gary Teague (the “Applicant”), on behalf of the Owner, filed an application for a Use by Special Review to permit Agricultural Product Handling, Storage and Processing Facility which pursuant to Section 2-325 of the Morgan County Zoning Regulations, any use, not designated as a Use by Right, Accessory Use, Conditional Use and Use by Special Review or not otherwise prohibited in a particular zone, may be approved as a Use by Special Review;

WHEREAS, Applicant submitted an application for a special use permit for an Agricultural Product Handling, Storage and Processing Facility, including seed sales, which is a conditional use in the Agricultural Production Zone, Parcels smaller than 20 acres, pursuant to Sec. 3-175(EE), and research and development activities to explore possible alternative byproducts and processing for agricultural products, which is not a use designated in Agricultural Production Zone and is therefore subject to the provisions of Section 2-325;

WHEREAS, on June 11th, 2018 the Morgan County Planning Commission held a duly noticed public hearing on the application where they received public comment, staff input and recommended approval of the Application;

WHEREAS, on July 6, 2018, the Board of County Commissioners held a duly noticed public hearing and receiving testimony from staff and the applicant and the Planning Commission’s recommendation; and

WHEREAS, the Board of County Commissioners desires to grant the Special Use application as provided for herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, that based upon the findings below that they approve the application as follows:

3. The Board of County Commissioners having reviewed the Special Use application, all information provided, testimony heard and the criteria for a Special Use as set forth in Section 2-345 of the Regulations find that:
 - (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.
 - (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.
 - (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 regulations, 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 adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
 - (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.
4. The Board of County Commissioners hereby approves the Special Use Permit for an Agricultural Product Handling, Storage and Processing Facility in the “A” Agriculture Production zone district subject to the following condition:
 - (A) The applicant shall obtain necessary permits and comply with the requirements and conditions of those permits as determined by other governmental agencies with jurisdiction over this operation.

Dated this 24th day of July 24, 2018, *nunc pro tunc July 3, 2018*.

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THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

(Recused/Abstained)
Laura D. Teague, Commissioner

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

At this time, Commissioner Teague recused herself from discussion and decision in this matter.

Morgan County Planning Director and Flood Plain Administrator, Pam Cherry to the Board for approval, a Resolution conditionally approving a use by special review for an agricultural product handling, storage and processing facility, including seed sales on property located in the NW1/4 of the NW1/4 of section 23, township 4 north, range 59 west of the 6th P.M., Morgan County, Colorado.

Commissioner Zwetzig made a motion to approve Resolution 2018 BCC 23, conditionally approving a use by special review for an agricultural product handling, storage and processing facility, including seed sales on property located in the NW1/4 of the NW1/4 of section 23, township 4 north, range 59 west of the 6th P.M., Morgan County, Colorado as presented by Morgan County Planning Director and Flood Plain Administrator, Pam Cherry, signing as nunc pro tunc, and noted to delete the signature line from the resolution as Commissioner Teague recused herself from the matter. At this time, Chairman Arndt seconded the motion and the motion carried 2-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 38 – Century Link

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 38, with Century Link. Mr. Goodman stated this right of way permit is for trenching Morgan County Road R (Road Segment 2400), starting approximately 700 feet west of Highway 71 in the north Right of Way of County Road R to place a new coolped cabinet. Trenching 11 feet of 2 inch conduit for power to the coolped, trenching 6 feet of 2 inch conduit between the coolped and existing cabinet for a fiber tail, along with trenching 37 feet for four 100 pair CAT5E cables that will be installed within the existing cabinets, for the purpose of installation of a new coolped cabinet and associated power. He stated the fees are attached in the amount of \$72.90 and Morgan County Road Supervisor John Goodman inspected the location.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 38, with Century Link as outlined in the narrative of the and noting the fees in the amount of \$72.90 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Commissioner Zwetzig noted the permit include the condition under number 18, that Century Link agrees to provide accurate GIS shape files to the County for the accurate location. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

Commissioner Zwetzig stated he would like to make revisions to the permit for a more accurate detail and description of where the trenching and boring will be placed with Commissioner Teague wanting to make it more stringent that when placing new equipment in place, they are removing the old.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 39 – Century Link

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 39, with Century Link. Mr. Goodman stated this right of way permit is for trenching Morgan County Road 25 (Road Segment 900), starting in the west right of way of Morgan County Road 25, approximately 195 feet north of Highway 34 to place a coolped cabinet and associated Marconi power meter, trench north 24 feet of 2 inch HDPE from the power meter to the power pole, then trench south 12 feet of 2 inch HDPE from the handhole to the coolped and trenching south 22 feet for 4 (ea) 100 pair CAT5E cables from the coolped to the existing cabinet, for the purpose of installation of a new coolped cabinet and associated power. He stated the fees are attached in the amount of \$55.80 and Morgan County Road Supervisor John Goodman inspected the location.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 39, with Century Link as outlined in the narrative of the and noting the fees in the amount of \$55.80 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign also noting the addition of condition number 18 indicating that compatible GIS shape files are to be provided upon completion of the project. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 40 – Century Link

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 40, with Century Link. Mr. Goodman stated this right of way permit is for trenching Morgan County Road S (Road Segment 2200), starting in the north right of way of Morgan County Road S east of Morgan County Road 26

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to place a 4220 cabinet onto an existing pad along with the installation of a power pedestal and trenching east 80 feet of 2 inch HDPE will be placed to a power pole that will serve the site, for the purpose of installation of a new 4220 cabinet and associated conduit and power. He stated the fees are attached in the amount of \$59.00 and Morgan County Road Supervisor John Goodman inspected the location.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 40, with Century Link as outlined in the narrative of the and noting the fees in the amount of \$59.00 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign also noting the addition of condition number 18 indicating that compatible GIS shape files are to be provided upon completion of the project. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 41 – Century Link

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 41, with Century Link. Mr. Goodman stated this right of way permit is for boring and trenching Morgan County Road T (Road Segment 1600) and Morgan County Road 26 (Road Segment 1100), starting in the east side of County Road T at the intersection of Morgan County Road 26. Trenching 5 feet of 2 inch conduit from the existing power ped to the 4220 cabinet and trenching 10 feet of 2 inch HDPE to a handhole. There will also be 3 trenches that will be required from the power pole to the site, one will be 12 feet in length, another 75 feet and near the pole there will be the remaining trench of 25 feet. There will also be 2 bores that will be required in this same run from the power pole that will be 25 feet and 55 feet in length as indicated on the attached drawing. All trenching and boring will be completed according to County standards, for the purpose of installation of a new 4220 cabinet and associated conduit and power. He stated the fees are attached in the amount of \$68.20 and Morgan County Road Supervisor John Goodman inspected the location.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 41, with Century Link as outlined in the narrative of the and noting the fees in the amount of \$68.20 are attached as presented by Morgan County Road Supervisor John Goodman with the condition the applicant provides the compatible GIS shape files upon completion of the project and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 42 – Century Link

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 42, with Century Link. Mr. Goodman stated this right of way permit is for trenching Morgan County Road 24 (Road Segment 800), starting on the east side of the intersection of Morgan County Road 24 and Morgan County Road S, a 4220 cabinet will be placed onto an existing pad and a power pedestal will also be placed adjacent to the 4220 cabinet. 5 feet of 2 inch HDPE will be placed for the AC power cord, 7 feet of 2 inch HDPE will be placed from the cabinet to the hand hole, for the purpose of installation of a new 4220 cabinet and associated conduit and power. ALSO, starting in the southeast corner of the intersection of Morgan County Road 24 and Morgan County Road S a 150 foot bore starting from the existing CenturyLink site located on the southeast corner of County Road 24 will cross County Road S and will take conduit from this existing site to a power pole that is located at the northeast corner of County Road 24 and County Road S, for the purpose of installation of conduit to bring power to telecom site. He stated the fees are attached in the amount of \$216.20 and Morgan County Road Supervisor John Goodman inspected the location.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 42, with Century Link as outlined in the narrative of the and noting the fees in the amount of \$216.20 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign also noting the addition of condition number 18 indicating that compatible GIS shape files are to be provided upon completion of the project. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – Proposed amendments to the Morgan County Zoning Regulations regarding Chapter 4 – Oil and Gas Drilling and/or Production, Sections 4-455 through 4-495

Morgan County Planning Director and Flood Plain Administrator, Pam Cherry to the Board for approval the proposed amendments to the Morgan County Zoning Regulations regarding Chapter 4 – Oil and Gas Drilling and/or Production, Sections 4-455 through 4-495. Ms. Cherry stated the Planning Commission heard the proposed amendments at their meeting on June 11, 2018 and recommended conditional approval. The items they wanted the Board to consider were:

1. Neighborhood meetings remain a requirement for applications under the Oil and Gas Regulations;
2. The effect of contiguous properties under common ownership as it relates to off-site waste and off-site flow lines; and
3. Not permitting the injection of E&P waste produced outside the County.

On July 6, 2018 the Board held a public hearing on the oil and gas regulations. The public comment portion of the hearing was closed. Staff was requested to draft and provide a clean copy of the regulations for consideration of approval at today's. Items that were requested to be changed from the previous draft:

1. Sec. 4-454. Operator or operator's representative needs to be present at an inspection with additional language for prompt response to the County request.
2. Sec. 4-460. Neighborhood meeting language included and determination whether one is required is at the discretion of the Planning Department.

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3. Sec. 4-464. Commercial power language was deleted.
4. Sec. 4-466. Language is included that the County has authority to request and determine additional referrals.
5. One additional change was made: a definition of off-location flowlines and gathering lines is included in the definition of oil and gas operation.

At this time, Ms. Cherry recommended approval of the oil and gas regulations as presented.

Commissioner Zwetzig asked Ms. Sellars to clarify the last change, with Ms Sellars stating to be sure it is clear the terms were added of off location flow lines and gathering lines. She asked about the removal of commercial power language being deleted, with the additional language read aloud, asking if that is to be left, with Commissioner Zwetzig stating yes.

Commissioner Teague made a motion for approval the proposed amendments to the Morgan County Zoning Regulations regarding Chapter 4 – Oil and Gas Drilling and/or Production, Sections 4-455 through 4-495 presented by Morgan County Planning Director and Flood Plain Administrator, Pam Cherry and authorized the Chair to sign. Commissioner Zwetzig seconded the motion. Commissioner Zwetzig noted this resolution was a product of a lot of stakeholder interaction, explaining it may not have met all of each one's expectations but feels a great job was done by all. Chairman Arndt thanked Mr. Ryan Seastrom for his attendance and collaboration throughout this process. At this time, Mr. Seastrom provided his information as being Ryan Seastrom, Colorado Oil and Gas Association, address being 1800 Glenarm Place, Denver, CO 80202. At this time, the motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated July 20, 2018 through July 31, 2018 with changes.

Morgan County Clerk Susan Bailey updated the Board in regards to an upcoming data conversion that will take place in the Motor Vehicle Department. Ms. Bailey explained the State is implementing a new system called DRIVES that will take the place of the 35 year old DOS based system for registering and titling vehicles. Ms. Bailey explained why the offices will be closed August 1 through August 3 to give the State time to convert the data to the new system. Ms. Bailey thanked everyone for their efforts in relaying this information to citizens who can also use the online system to renew and register their vehicles during this time.

Chairman Arndt welcomed Amy Kelley to Morgan County as the newly appointed Extension Director who replaces Janice Dixon who recently retired. Ms. Kelley started her employment with Morgan County on July 16th.

Chairman Arndt also announced that the Morgan County Fair is officially scheduled to start Monday, August 6th through August 10th with input from Connor Woodall, Morgan County Intern. Different activities and potluck dinner schedules were discussed.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT

There was no citizen comment provided.

Being no further business the meeting was then adjourned at 9:48 a.m.

Respectfully Submitted,

Susan L. Bailey
Clerk to the Board
(Minutes ratified July 31, 2018)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey