

COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
August 3, 2018**

The Board of Morgan County Commissioners met Friday, August 3, 2018 at 9:02 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Laura Teague in attendance. Chairman Arndt Morgan County asked Morgan County Emergency Manager Roger Doll to lead the meeting in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Commissioner Zwetzig made a motion to adopt the agenda as presented, with Commissioner Teague seconding the motion. Motion carried 3-0.

CONSENT AGENDA

Consideration of Approval – RESOLUTION – 2018 BCC 25 a Resolution Declaring a Local Disaster Resulting From a Severe Weather Event on July 29, 2018

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

RESOLUTION NO. 2018 BCC 25

**A RESOLUTION DECLARING A LOCAL DISASTER RESULTING FROM A SEVERE
WEATHER EVENT ON JULY 29, 2018**

WHEREAS, Morgan County, the City of Brush, Town of Hillrose and the unincorporated Town of Snyder have suffered from a severe storm that occurred on July 29, 2018; and the County experienced heavy rainfall, baseball sized hail, and two, possibly four tornados, as determined by the National Weather Service that caused extreme damage to trees, structures, and agricultural crops. Power lines were downed and electricity was interrupted to over one third of Morgan County residents. Multiple road closures were documented because of road damage and downed powerlines;

WHEREAS, Morgan County experienced widespread damage to residential and commercial property, public and private property, disruption of utility service, endangerment of health and safety of the residents of Morgan County and a reduction in landfill life due to excessive debris;

WHEREAS, the cost and magnitude of responding to and recovering from the impact of the ensuing event is far in excess of locally available public and private resources;

WHEREAS, pursuant to the provisions of Section 24-33.5-709, Colorado Revised Statutes and any other legal authority;

WHEREAS, The Morgan County Board of County Commissioners have determined that it would be appropriate and in the interests of the public health and safety, and protection of property to declare a local disaster;

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of County Commissioners, on behalf of Morgan County, CO, hereby declares Morgan County to be a local disaster area.
2. The effect of this declaration of disaster shall be to activate the response, recovery, and debris management plan aspects of any and all applicable local and inter-jurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

BE IT FURTHER RESOLVED that this resolution shall be effective upon the date and time given below, and shall remain in effect for a period not to exceed seven days thereafter except by the consent of the majority of the Board of County Commissioners. Copies will be filed promptly with the Colorado Division of Homeland Security and Emergency Management and the Morgan County Clerk.

SIGNED AND EFFECTIVE in Morgan County, Colorado this 31st day of July 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

(noted as absent)
James P. Zwetzig, Commissioner

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(SEAL)

ATTEST:

s/ Susan L. Bailey

Susan L. Bailey

Commissioner Teague asked that item #1 on the consent agenda be considered as a regular agenda item due to the fact it was approved July 31, 2018 declaring a local disaster. At this time, Morgan County Emergency Manager Roger Doll was asked to present the resolution in detail.

Mr. Doll summarized the recent storm event that caused extreme damage and cost is in excess of local and public private resources, therefore, Morgan County, the City of Brush!, Town of Hillrose and Town of Snyder have declared local disasters. He stated it has been estimated that Morgan County incurred approximately \$38 million in damages to public property, with this amount not including agricultural and crop losses.

At this time, Commissioner Teague made the motion to ratify the Resolution 2018 BCC 25 Resolution Declaring a Local Disaster Resulting From a Severe Weather event on July 29, 2018, with Commissioner Zwetzig seconding the motion and motion carried 3-0.

Commissioner Zwetzig complimented the Morgan County Emergency Management Department indicating they were open on Sunday and worked through this event and commended Mr. Doll for his efforts during this storm event.

UNFINISHED BUSINESS

Consideration of Approval – 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

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;

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.

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- (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 3rd day of August, 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

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

Morgan County Planning Director and Flood Plain Administrator, Pam Cherry to the Board for approval, 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 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 if there has been an easement agreement received with Ms. Cherry stating she is not aware of that information but it is a condition on the resolution.

Commissioner Teague asked that a “note” be added to the previous meeting minutes for July 31, 2018 indicating that this matter was not heard on that date whereas it had been tabled from July 24, 2018 to allow for staff to review the recorded minutes to clarify the accuracy of the conditions of the resolution and the matter was then placed on the agenda for the special meeting held August 3, 2018.

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Commissioner Teague made a motion to approve 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 as presented by Morgan County Planning Director and Flood Plain Administrator, Pam Cherry, dated for today's approval August 3, 2018, with Commissioner Zwetzig seconding the motion.

Commissioner Zwetzig asked that it be noted that the reason the matter was tabled on July 24, 2018 was due to the fact it had been requested that staff review the recorded minutes to clarify that the conditions were properly noted in the resolution. He further stated this was completed and the resolution was properly presented as written.

Commissioner Zwetzig made mention about a discussion by Commissioner Teague who had noted the increase of traffic in the Wiggins area whereas she believes a pipe yard may have been located in the area. Ms. Cherry, Planning Administrator, stated that H2 Pipe from Keenesburg, Colorado is aware of needing a special use permit for storing the pipe and she expects to have that application next week. At this time, the motion passed 3-0.

At this time, Chairman Arndt asked for any departmental reports whereas Morgan County Clerk and Recorder Susan Bailey asked to present an update for the upcoming 2018 General Election. Ms. Bailey stated that as per statute and rule, the County Clerk must designate the Voter Service Polling Centers prior to the election and designated the three VSPC's that will be utilized during the general election. Those locations being the Morgan County Fairgrounds located at 750 Ellsworth Street, Brush, Colorado; the Wiggins Fire Hall located at 701 Central Avenue, Wiggins, Colorado and the Morgan County Administration Building Assembly Room, located at 231 Ensign Street Fort Morgan, Colorado.

Commissioner Zwetzig inquired about the progress of the Motor Vehicle system, DRIVES, with Ms. Bailey updating the Board that she was notified by the State that DRIVES was able to go live at 9 p.m. Thursday, August 2nd, 2018 and her office is awaiting notification of when staff can access the database to begin entering inventory and other items to be ready to open on Monday, August 6th. Ms. Bailey stated she is both excited and anxious about the new system and is hopeful that the public will be both appreciative and patient with staff as with this new system, there will be a learning process and wait times could be a bit longer than usual.

CITIZEN'S COMMENT

There was no citizen comment provided.

Being no further business the meeting was then adjourned at 9:18 a.m.

Respectfully Submitted,

Susan L. Bailey
Clerk to the Board
(Minutes ratified August 21, 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