

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting September 25, 2018

The Board of Morgan County Commissioners met Tuesday, September 25, 2018 at 9:03 a.m. with Chairman Mark Arndt, Commissioner Laura Teague and Commissioner James Zwetzig in attendance. Chairman Arndt asked Commissioner Laura Teague to lead the meeting in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

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

CONSENT AGENDA

- Ratify the Board of County Commissioners approval of meetings minutes dated September 11, 2018
- Ratify the Board of County Commissioners approval of public hearing minutes dated August 16, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 199, A Caring Pregnancy Center, to provide services and education related to preventative and pre and post – natal support , Term of Contract July 1, 2018 through June 30, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 200, Baby Bear Hugs, to provide services for new mothers, Term of Contract July , 2018 through June 30, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 201, Rising Up, to provide client choice pantry services, Term of Contract July , 2018 through June 30, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 202, Morgan County Family Center, to provide services in: child care resource & referral, assist parent/children with disabilities and emergency assistance, Term of Contract July , 2018 through June 30, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 203, S.A.R.A., INC., to provide services related to sexual abuse & assault, Term of Contract July , 2018 through June 30, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 204, S.H.A.R.E., INC., to provide services for victims of domestic violence, Term of Contract July , 2018 through June 30, 2019
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 205, Media Logic Radio LLC., radio advertising for brush Oktoberfest 2018, Term of Contract September 14, 2018 through September 23, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 206, Longmont Times Call/Loveland Reporter-Herald, advertising for brush Oktoberfest 2018, Term of Contract August 30, 2018 through September 22, 2018
- Ratify the Board of County Commissioners approval on Contract 2018 CNT 207, Longmont Times Call/Loveland Reporter-Herald, advertising for fhcs 2018, Term of Contract August 30, 2018 through September 15, 2018
- Ratify Chairman Mark Arndt's approval of the Department of Human Services Recruitment and Retention Grant application
- Ratify Commissioner Jim Zwetzig's signature on grant process routing form, Victim Assistance Program

Commissioner Zwetzig made a motion to approve items 1-13 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 34 - A resolution conditionally approving a use by special review for a slaughter house and meat processing facility on property located in NE¼ of the NE¼ of section 32, township 4 north, range 60 west of the 6th P.M. Morgan County, Colorado

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2018 BCC 34

A RESOLUTION CONDITIONALLY APPROVING A USE BY SPECIAL REVIEW FOR A SLAUGHTER HOUSE AND MEAT PROCESSING FACILITY ON PROPERTY LOCATED IN NE¼ OF THE NE¼ OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 60 WEST OF THE 6TH P.M. MORGAN COUNTY, COLORADO

WHEREAS, Tye, Ernest and Chase Maag (the “Owners”) own property located in the NE¼ of the NE¼ of Section 32, Township 4 North, Range 60 West of the 6th P.M., Morgan County (“Property”), located in the Agricultural Production Zone District;

WHEREAS, Ty Maag (the “Applicant”), on behalf of the Owners, filed an application for a Use by Special Review to permit a slaughter house and meat processing facility on the Property;

WHEREAS, a slaughter house, which includes the processing of meat, is a Use by Special Review in the Agriculture Production Zone pursuant to Section 3-180(U) of the Morgan County Zoning Regulations;

2 COMMISSIONERS PROCEEDINGS

WHEREAS, on August 13, 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 September 11, 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 for approval; 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:

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 2-345 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.
2. The Board of County Commissioners hereby approves the Special Use Permit for a slaughter house and meat processing facility 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 25th day of September, 2018, *nunc pro tunc* September 11, 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

COMMISSIONERS PROCEEDINGS 3

Jody Meyer, Planning Administrative Assistant presented Resolution 2018 BCC 34, a resolution conditionally approving a use by special review for a slaughter house and meat processing facility on property located in NE¼ of the NE¼ of section 32, township 4 north, range 60 west of the 6th P.M. Morgan County, Colorado. Ms. Meyer stated that the applicants are Tye, Ernest and Chase Maag and that on September 11, 2018 the Board of County Commissioners held the public hearing on a Use by Special Review to permit a slaughter and meat processing facility. There was an error in the file summary presented at that meeting. It was stated in the code section that required the permit as 3-180(V) it should have presented as 3-180(U). The resolution presented for signature today has the correct section of code 3-180(U). Chairman Arndt stated that it should be dated this 25th day of September, 2018, *nunc pro tunc for September 11, 2018*.

Commissioner Teague made a motion to approve Resolution 2018 BCC 34, a resolution conditionally approving a use by special review for a slaughter house and meat processing facility on property located in NE¼ of the NE¼ of section 32, township 4 north, range 60 west of the 6th P.M. Morgan County, Colorado for the applicants Tye, Ernest and Chase Maag, dated this 25th day of September, 2018, *nunc pro tunc September 11, 2018*, with Commissioner Zwetzig seconding the motion and the motion carried 3-0.

Consideration of Approval – RESOLUTION - 2018 BCC 2018 BCC 35 - a resolution amending the Morgan County zoning regulations concerning wireless service facilities

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2018 BCC 35

A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS CONCERNING WIRELESS SERVICE FACILITIES

WHEREAS, the Board of County Commissioners of Morgan County has adopted the Morgan County Zoning Regulations to protect the public health, safety and welfare;

WHEREAS, the Board of County Commissioners may make amendments to the Morgan County Zoning Regulations upon its own motion or upon petition of the Morgan County Planning Commission;

WHEREAS, pursuant to the Telecommunications Act of 1996 (the "Act"), local governments are provided authority over decisions regarding the placement, construction, and modification of personal wireless service facilities; provided that any such regulation does not unreasonably discriminate among providers of functionally equivalent services, or prohibit, or have the effect of prohibiting the provisions of personal wireless services;

WHEREAS, such regulation is also subject to Section 6409 ("Section 6409") of the Middle Class Tax Relief and Job Creation Act of 2012, which requires a local government to approve any eligible facilities request for a modification of an existing wireless tower or base station that does not "substantially change" the physical dimensions of such tower or base station;

WHEREAS, the Colorado General Assembly passed House Bill 17-1193 (C.R.S. §§ 29-27-401 – 29-27-404; 38-5.5-102 – 38-5.5-108), which also provides certain mandatory procedural requirements and regulations for installation of small cell facilities within a local government's right-of-way;

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the County to amend the existing zoning regulations in compliance with the Act, Section 6409 and House Bill 17-1193; and

WHEREAS, the Board of County Commissioners has complied with all relevant provisions of the Morgan County Zoning Regulations, as well as the requirements of C.R.S. § 30-28-116, for amending the Morgan County Zoning Regulations.

NOW THEREFORE, BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

1. Sections 1-125, 1-255, 1-285, 1-520, 1-625 and 1-850 of the Morgan County Zoning Regulations are hereby repealed in their entirety.
2. Sections 4-705 through 4-730 are hereby repealed in their entirety and reenacted as follows:

WIRELESS SERVICE FACILITIES

4-705 Purposes

To allow the location of wireless service facilities ("WSF") in the County while protecting the public health, safety, and general welfare of the community; to act on applications for the location of WSFs within a reasonable period of time; to encourage co-location of WSFs; and to prevent unreasonable discrimination among providers of functionally equivalent services.

4-710 Definitions

4 COMMISSIONERS PROCEEDINGS

Accessory equipment for a WSF means equipment, including buildings and structures, used to protect and enable radio switching equipment, back up power and other devices incidental to a WSFs, but not including antennae.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.

Base station means a structure or equipment, other than a tower, at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term includes any equipment associated with wireless communications services, including radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks). The term includes any structure, other than a tower, to which any of the equipment described hereof is attached.

Building roof-mounted WSFs means a WSF that is mounted and supported entirely on the roof of a legally existing building or structure.

Building wall-mounted WSFs means a WSF that is mounted and supported entirely on the wall of a legally existing building or structure.

Broadband facility means any infrastructure used to deliver broadband service or for the provision of broadband service.

Eligible WSF facility request means a request for approval of the modification of an existing tower or base station that involves the co-location of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.

Equipment storage shelter means buildings, storage shelters, and cabinets used to house WSF equipment.

Freestanding WSF means a WSF that consists of a stand-alone support structure such as a tower or monopole, and antennae and accessory equipment.

Microwave antenna means a disk-type antenna used to link communication sites together by wireless voice or data transmission.

Micro Wireless Facility means a small wireless facility that is no larger in dimensions than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that have an exterior antenna, if any, that is no more than eleven (11) inches in length.

Public right-of-way means all roads, streets and alleys and all other dedicated rights-of-way, access and utility easements of the County, the state, or any district, utility or roadway.

Small cell facility means either a personal wireless service facility as defined by the federal Telecommunications Act of 1996, or a WSF that meets both of the following:

(A) Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and

(B) Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

A small cell facility includes a micro wireless facility.

Small cell network means a collection of interrelated small cell facilities designed to deliver wireless service.

Substantial change means a modification to an existing tower or base station under the following circumstances:

(A) A substantial change in the height of an existing tower or base station occurs as follows:

1. For a tower outside of a public right-of-way, when the height of the tower is increased by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater.

COMMISSIONERS PROCEEDINGS 5

2. For a tower located in a public right-of-way or for a base station, when the height of the structure increases by more than ten percent (10%) or by more than ten (10) feet, whichever is greater.

(B) Changes in height are measured as follows:

1. When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment.
2. When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.

(C) A substantial change in the width of an existing tower or base station occurs as follows:

1. For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
2. For a tower in a public right-of-way or a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet.

(D) A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:

1. When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or
2. When the change involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets.

(E) A substantial change also occurs for any existing tower or base station when any of the following are found:

1. When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four (4) new cabinets, whichever is less.
2. When the change entails any excavation or deployment outside the current site.
3. When the change would defeat the concealment elements of the eligible support structure.
4. When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (A) through (E)(2), hereof.

Tower means a structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Whip antenna means an array of antennae that is cylindrical in shape.

Wireless service means data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

Wireless service facility or **WSF** means a facility for the provision of wireless services, including a small cell facility; except that "wireless service facility" does not include coaxial or fiber-optic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

4-715 Standards for all WSFs

(A) **Applicability.** The standards contained in this Section apply to all applications for WSFs in the County. The applicant shall demonstrate in writing that its proposed WSF meets all

6 COMMISSIONERS PROCEEDINGS

applicable standards of these regulations and any other required regulations or ordinances of the County.

(B) Co-Location. The County encourages co-location of WSFs when feasible to minimize the number of WSF sites. To further the goal of co-location:

1. No WSF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the County, the owner or operator shall provide evidence explaining why co-location is not possible at a particular facility or site; and

(C) Consent given to a telecommunications provider or broadband provider to erect or construct any poles, or to locate or co-locate communications and WSF on vertical structures in a right-of-way, does not extend to the co-location of new facilities or to the erection or construction of new poles in a right-of-way not specifically referenced in the grant of consent.

(D) Permitted zoning districts. WSFs shall be considered a permitted use in all zoning districts subject to administrative review as provided in these regulations.

(E) Compliance with FCC standards. All WSFs shall meet the current standards and regulations of the FCC and any other agency of the federal government with the authority to regulate WSFs. Upon a request by the County at any time, WSF owners and operators shall verify that:

1. The WSF complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and
2. The WSF complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.
3. By adopting this Section, the County is not attempting to regulate radio frequency power densities or electromagnetic fields, which are controlled by the FCC.

(F) Abandonment. If, after completion of construction, the WSF ceases operation for any reason for twelve (12) consecutive months:

1. The owner or operator shall remove the WSF within ninety (90) days of the end of the twelve (12) month period; and
2. Any permit issued for operation of a WSF shall expire.

(G) Height Limit. Notwithstanding any other height limitations in regulations, in no case shall a WSF located on property owned by the County or in any public right-of-way exceed sixty (60) feet in height.

4-720 Freestanding, Wall and Roof-Mounted WSFs

(A) Freestanding WSFs.

1. Minimum setbacks. A freestanding WSF shall meet the greater of the following minimum setbacks from all property lines:
 - i. The setback for a principal structure within the applicable zone district;
 - ii. Twenty-five percent (25%) of the WSF facility height including antennae; or
 - iii. The WSF facility height if the facility is adjacent to a residentially zoned parcel or if the WSF facility is within two hundred fifty (250) feet of an existing residential structure.
2. Maximum height. Notwithstanding any height limitations in Table 1 of Appendix B, a freestanding WSF, including antennae, shall comply with all FAA regulations and requirements, and shall not interfere with any airport approach zones.
3. Design standards. A freestanding WSF shall meet the following design standards to minimize impacts:
 - i. The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.

COMMISSIONERS PROCEEDINGS 7

- ii. Existing land forms, vegetation, and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment to the extent practicable.
- iii. Existing vegetation shall be preserved or enhanced.
- iv. The total area of any equipment storage shelters shall not exceed four hundred (400) square feet for each WSF.
- v. Equipment storage shelters shall be grouped as closely together as technically possible.
- vi. No equipment storage shelter shall exceed fifteen (15) feet in height.
- vii. All freestanding WSFs shall accommodate co-location of facilities, unless co-location is technically unfeasible as set forth in section 4-175(B).
- viii. All applicable landscape regulations shall be observed. A landscape plan prepared by a professional landscape architect may be required to demonstrate that such landscape appropriately shields the base and security fencing from view if the base of the facility is otherwise visible from adjacent rights-of-way.
- ix. Any equipment that could be dangerous to persons or wildlife shall be adequately covered or fenced.

(B) A building wall-mounted WSF shall adhere to the following design standards to minimize impacts:

1. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
2. Antennae may encroach into a setback area a maximum of twenty-four (24) inches, but not extend over a property line and shall be as flush to the building as technically possible.
3. The mounting of antennae shall be as flush to the building wall as possible, and in no case shall the antennae extend more than three (3) feet out from the building wall. The maximum area of panel antennae per building face, measured as the sum of individual panel antenna areas, shall not exceed an aggregate total of fifty (50) square feet.
4. The facility shall not extend twelve (12) feet above the highest point of the roof of the building.

(C) A building roof-mounted WSF shall adhere to the following design standards to minimize impacts:

1. A building roof-mounted WSF, including antennae, shall not exceed the maximum structure height limit in the zone district in which the facility is located and shall not extend more than twelve (12) feet above the height of the building on which the facility is mounted.
2. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
3. The diameter of a microwave dish antenna shall not exceed four (4) feet.
4. No component of a roof-mounted WSF, except whip antenna, may extend more than twelve (12) feet above the roof the building to which they are mounted. Whip antennae may extend no more than fifteen (15) feet above the roof of the building to which they are mounted.

(D) The equipment storage shelter(s) and/or cabinets for any roof-mounted or building-mounted WSF shall meet the following additional requirements:

1. The total footprint of each provider's equipment storage shelter(s) and or cabinet(s) shall not exceed three hundred and sixty (360) square feet.
2. No equipment storage shelter shall exceed thirteen (13) feet in height.
3. Equipment storage shelters and/or cabinets shall not exceed an aggregate total coverage of fifteen percent (15%) of the building roof area.

8 COMMISSIONERS PROCEEDINGS

4-725 Small Cell Facilities

(A) A telecommunications provider or broadband provider has the right to locate or co-locate small cell facilities or small cell networks on light poles, light standards, traffic signals, or utility pole in the right-of-way owned by the County, subject to the following:

1. A small cell facility or a small cell network shall not be located or mounted on an apparatus, pole, or signal with tolling collection or enforcement equipment attached.
2. The construction, installation, operation and maintenance of a small cell facility must comply with applicable federal and state law and the provisions of this Section. If upon inspection, the County concludes that a wireless service facility fails to comply with such laws and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the small cell facility, the owner shall have thirty (30) days from the date of the notice to bring such facility into compliance. Upon good cause shown by the owner, the County may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such facility into compliance within said time period, the County may remove such facility at owner's expense or prohibit future, noncompliant use of the light pole, light standard, traffic signal or utility.

(B) Micro wireless facilities. No application or permit shall be required for the installation, placement, operation, maintenance, or replacement of micro wireless facilities that are suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with the national safety code, subject to the following:

1. The County may require a permit for installation, placement, operation, maintenance, or replacement of micro wireless facilities where the installation, placement, operation, maintenance, or replacement of micro wireless facilities does any of the following, upon determination of the County:
 - i. Involves working within a highway travel lane or requires the closure of a highway travel lane;
 - ii. Disturbs the pavement or a shoulder, roadway, or ditch line;
 - iii. Includes placement on limited access rights-of-way; or
 - iv. Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

4-730 Application and Approval Procedures

(A) An application for approval of a proposed WSF shall include all information regularly required for other development applications, in addition to the following:

1. A written, narrative statement describing in detail, how the proposed WSF will comply with each of the applicable design standards set forth herein.
2. If requested by the County, photographic simulations showing the proposed facility and, if applicable, the structure on which it will be attached.

(B) Consolidated applications for small cell facilities. A telecommunications provider or broadband provider may file a consolidated application to receive a single permit for small cell networks involving multiple individual small cell facilities within the County. However, each small cell facility within the consolidated application individually remains subject to review for compliance with the requirements provided herein.

(C) Incomplete applications.

1. When an application is incomplete, the County shall provide written notice to the applicant within thirty (30) days, specifically identifying all missing documents or information.
2. If an application remains incomplete after a supplemental submission, the County shall notify the applicant within ten (10) days. Second or subsequent notices of incompleteness may not require the production of documents or information that were not requested in the original notice of incompleteness.

COMMISSIONERS PROCEEDINGS 9

(D) *Expedited review.*

1. An eligible WSF application, including an application for location or co-location of a small cell facility or small cell network or replacement or modification of a WSF, small cell facility or facilities, or small cell network request, shall be approved or denied by the County within sixty (60) days of the date of the County's receipt of the completed application. This time period may be tolled only by mutual agreement or when an application is incomplete.
2. If the County fails to approve or deny an eligible WSF request within the sixty (60) days of the date of the County's receipt of the completed application (accounting for any tolling), the request shall be deemed granted; provided that this automatic approval shall become effective only upon the County's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

(E) *Review.*

1. Criteria for approval or denial of application. In considering an application for location or co-location of a WSF, small cell facility or small cell network, the County shall base the decision as to the approval or denial of the application on whether the proposed WSF meets the applicable design standards as outlined herein.
2. Approval.
 - i. The County shall approve an eligible telecommunications request that does not substantially change the physical dimensions of a tower or base station.
 - ii. The County may approve an eligible telecommunications request that substantially changes the physical dimensions of a tower or base station if it complies with the remainder of this Code.
 - iii. The County may condition the approval of any eligible telecommunications request on compliance with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety.
3. Denial. A final decision by the County to deny any application shall be in writing and supported by substantial evidence contained in a written record.

Dated this 25th day of September, 2018, *nunc pro tunc* September 20, 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

Jody Meyer, Planning Administrative Assistant presented Resolution 2018 BCC 35, a resolution amending the Morgan County zoning regulations concerning wireless service facilities. Ms. Meyer stated that on September 20, 2018, the Board of County Commissioners approved these amendments to the Morgan County Zoning Regulations to repeal sections 1-125, 1-255, 1-285, 1-520, 1-625 and 1-850. In addition the Board approved to repeal and replace sections 4-705 through 4-730. The commissioners instructed staff to prepare and number this resolution that is before you for signature. Chairman Arndt stated that it needs to be added dated this 25th day of September, 2018, *nunc pro tunc* September 20, 2018.

Commissioner Zwetzig made a motion to approve Resolution 2018 BCC 35, a resolution amending the Morgan County zoning regulations concerning wireless service facilities as presented, with Commissioner Teague seconding the motion. Commissioner Zwetzig informed the media that a presentation given by Jon Becker representing Viaero

10 COMMISSIONERS PROCEEDINGS

Wireless and encouraged them to get in contact with him for the information that was presented. At this time the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 45 – MCQWD

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 45, with MCQWD. Mr. Goodman stated this right of way permit is for trenching Morgan County Road Q (Road Segment 2700), starting approximately 60 feet west of Morgan County Road 24 on Morgan County Road Q. Installing one 4 inch blow off valve, one 6 inch x 4 inch DI MJ TEE, two 6 inch isolation valves, approximately 19 feet of 4 inch c900 DR 14 PVC and 32 feet of 6 inch DR 14 c900 PVC, and one 6 inch DI MJ Solid sleeve, for the purpose of quality Water system modifications. Commissioner Zwetzig stated the narrative does not describe the starting and ending points and he would like to see that, but it will be submitted through the GIS shape files. Chairman Arndt stated that fees are attached in the amount of Arndt \$150.00.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 45, with MCQWD as outlined in the narrative of the and noting the fees in the amount of \$150.00 are attached and include the statement that compatible GIS shape files will be provided upon completion of the project as presented by Morgan County Road Supervisor John Goodman 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 54 – Century Link

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 54, with Century Link. Mr. Goodman stated this right of way permit is for trenching Morgan County Road U (Road Segment 1900), starting 73 feet west of the intersection of Morgan County Road 29.5 and Morgan County Road U at GPS coordinates 40.29119 and -103.59376 in the north right of way, trenching west 5 feet, starting 76 feet west of the intersection of Morgan County Road 29.5 and Morgan County Road U at GPS coordinates 40.29119 and -103.59376 in the north right of way, trenching west 5 feet, starting 83 feet west of the intersection of Morgan County Road 29.5 and Morgan County Road U at GPS coordinates 40.29119 and -103.59376 in the north right of way, trenching west 52 feet, for the purpose of the installation of a new 4220 cabinet and associated conduit and power. Chairman Arndt stated that fees are attached in the amount of Arndt \$56.20.

Commissioner Teague made a motion to approve Right of Way Permit 2018 PMT 54, with Century Link as outlined in the narrative of the and noting the fees in the amount of \$56.20 are attached as presented by Morgan County Road Supervisor John Goodman 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 59 – Century Link

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 59, with Century Link. Mr. Goodman stated this right of way permit is for trenching Morgan County Road K (Road Segment 1800), starting 50 feet South of the intersection of Morgan County Road K and State Highway 71 at GPS coordinates 40.84729 and -103.35443 in the north right of way, trenching east 48 feet, starting 50 feet south of the intersection of Morgan County Road K and State Highway 71 at GPS coordinates 40.84729 and -103.35443 in the north right of way, trenching north 12 feet, for the purpose of the installation a new 4220 cabinet and associated conduit and power. Chairman Arndt stated that fees are attached in the amount of Arndt \$56.00.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2018 PMT 59, with Century Link as outlined in the narrative of the and noting the fees in the amount of \$56.00 are attached and include the statement that compatible GIS shape files will be provided upon completion of the project as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Commissioner Teague seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – RIGHT OF WAY - 2018 PMT 65 – Century Link

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2018 PMT 65, with Century Link. Mr. Goodman read aloud the permit as it was written at which time discussion ensued regarding the permit verbiage and the county roads mentioned.

Commissioner Zwetzig suggested this permit application be tabled in order to obtain the correct verbiage until the next meeting with Commissioner Teague seconding the motion. Commissioner Teague asked for a clarification of the difference between trench and plow, with Mr. Goodman explaining it. At this time, the motion passed 3-0 to table the matter.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated September 21, 2018 through October 2, 2018 with no changes.

Morgan County Road Supervisor John Goodman updated the Board about road work being completed on County Road 24 stating that they have finished paving and will be working on the shoulder areas sometime next week.

COMMISSIONERS PROCEEDINGS 11

UNFINISHED BUSINESS

Consideration of Approval – RESOLUTION - 2018 BCC 32 - A Resolution Approving a Stop Sign to be Installed at the Intersection of Morgan County Road S.2 and Morgan County Road 26.1, Morgan County, Colorado

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

RESOLUTION 2018 BCC 32

**A RESOLUTION APPROVING A STOP SIGN TO BE INSTALLED AT THE INTERSECTION OF
MORGAN COUNTY ROAD S.2 AND MORGAN COUNTY ROAD 26.1, MORGAN COUNTY,
COLORADO**

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, are vitally interested in Highway safety, for the benefit of the traveling public, and

WHEREAS, the Board determines that it is for the best interests of the general public and specified in a Colorado State Patrol review recommending increasing safety at an intersection through additional signage, the follow Resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED that due to traffic and safety, a stop sign is to be placed at the following location:

PLACE A STOP SIGN, AT THE NORTHWEST CORNER OF THE INTERSECTION OF MORGAN COUNTY ROAD S.2 AND MORGAN COUNTY ROAD 26.1

BE IT FURTHER RESOLVED that the proper law enforcement agencies be and hereby authorized and empowered to enforce compliance with this Resolution.

Dated this 25th day of September, 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

Chairman Mark Arndt presented Resolution 2018 BCC 32, a Resolution Approving a Stop Sign to be Installed at the Intersection of Morgan County Road S.2 and Morgan County Road 26.1, Morgan County, Colorado. Chairman Arndt stated that they gave a weeks' on the website for the public to comment on. Connor Woodall, Administrative Services Manager stated he has received no public comment on the stop signs. Chairman Arndt explained that the stop sign will be at the northwest corner of the intersection of Morgan County Road S.2 and Morgan County Road 26.1.

Commissioner Zwetzig made a motion to approve Resolution 2018 BCC 32, a Resolution Approving a Stop Sign to be Installed at the Intersection of Morgan County Road S.2 and Morgan County Road 26.1, Morgan County, Colorado, with Commissioner Teague seconding the motion and the motion carried 3-0.

Consideration of Approval – RESOLUTION - 2018 BCC 33 - A Resolution Approving a Stop Sign to be Installed at the Intersection of Morgan County Road S.2 and Morgan County Road 26.2, Morgan County, Colorado

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

RESOLUTION 2018 BCC 33

**A RESOLUTION APPROVING STOP SIGNS TO BE INSTALLED AT THE INTERSECTION OF
MORGAN COUNTY ROAD S.2 AND MORGAN COUNTY ROAD 26.2, MORGAN COUNTY,
COLORADO**

12 COMMISSIONERS PROCEEDINGS

WHEREAS, the Board of County Commissioners of Morgan County, Colorado, are vitally interested in Highway safety, for the benefit of the traveling public, and

WHEREAS, the Board determines that it is for the best interests of the general public and specified in a Colorado State Patrol review recommending increasing safety at an intersection through additional signage, the follow Resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED that due to traffic and safety, a stop sign is to be placed at the following location:

PLACE TWO STOP SIGNS, ONE AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MORGAN COUNTY ROAD S.2 AND MORGAN COUNTY ROAD 26.2 AND ONE AT THE AT THE NORTHEAST CORNER OF THE INTERSECTION OF MORGAN COUNTY ROAD S.2 AND MORGAN COUNTY ROAD 26.2

BE IT FURTHER RESOLVED that the proper law enforcement agencies be and hereby authorized and empowered to enforce compliance with this Resolution.

Dated this 25th day of September, 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

Chairman Mark Arndt presented Resolution 2018 BCC 33, a Resolution Approving a Stop Signs to be Installed at the Intersection of Morgan County Road S.2 and Morgan County Road 26.2, Morgan County, Colorado. Chairman Arndt explained that this is to place two stop signs, one at the southwest corner of the intersection of Morgan County Road S.2 and Morgan County Road 26.2 and one at the northeast corner of the intersection of Morgan County Road S.2 and Morgan County Road 26.2. Chairman Arndt noted that the recommendations came from the Colorado State Patrol and the Morgan County Sheriff's Department that was initiated from a citizens comment.

Commissioner Teague made a motion to approve Resolution 2018 BCC 33, a Resolution Approving a Stop Signs to be Installed at the Intersection of Morgan County Road S.2 and Morgan County Road 26.2, Morgan County, Colorado, with Commissioner Zwetzig seconding the motion and the motion carried 3-0.

Chairman Arndt asked Mr. Goodman how soon the stop signs will be installed with Mr. Goodman stating within 2 weeks depending on locates.

CITIZEN'S COMMENT

There was no citizen comment provided.

Being no further business the meeting was then adjourned at 9:33 a.m.

Respectfully Submitted,

Randee Aleman
Deputy Clerk to the Board

(Minutes ratified October 9, 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

COMMISSIONERS PROCEEDINGS 13

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

(SEAL)
ATTEST:

s/ Susan L. Bailey
Susan L. Bailey