

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting December 19, 2017

The Board of Morgan County Commissioners met Tuesday, December 19, 2017 at 9:05 a.m. with Chairman James Zwetzig, Commissioner Mark Arndt and County Attorney Kathryn Sellars in attendance with Commissioner Laura Teague absent. Chairman James Zwetzig asked Morgan County Information Systems Manager Karol Kopetzky to lead the meeting in the Pledge of Allegiance on behalf of all Morgan County employees.

### ADOPTION OF THE AGENDA

Commissioner Arndt made a motion to adopt the agenda as presented, with Chairman Zwetzig seconding the motion. Motion carried 2-0.

### CONSENT AGENDA

Ratify the Board of County Commissioners approval of meetings minutes dated December 12, 2017  
Ratify the Board of County Commissioners approval on Contract 2017 CNT 243, Statewide Internet Portal Authority (SIPA), Google apps & email archive, Term of Contract December 10, 2017 through December 9, 2018  
Ratify the Board of County Commissioners approval on Contract 2017 CNT 244, A & R Automotive, alignment on unit #5501, Term of Contract December 11, 2017 until completed  
Ratify the Board of County Commissioners approval on Contract 2017 CNT 245, A & R Automotive, alignment on unit #5493, Term of Contract December 4, 2017 until completed  
Ratify the Board of County Commissioners approval on Contract 2017 CNT 246, Wesley Scott, inspect and service kitchen hoods at Judicial Center and Fairgrounds, Term of Contract December 11, 2017 until completed  
Ratify the Board of County Commissioners approval on Contract 2017 CNT 247, Epic Design & Consulting, bathroom floor plans for COMM Center, Term of Contract December 11, 2017 until completed  
Ratify the Board of County Commissioners approval on Contract 2017 CNT 248, Cornerstone Glass Co., install privacy panels and glass in COMM Center bathroom, Term of Contract November 27, 2017 until completed  
Ratify the Board of County Commissioners approval on Contract 2017 CNT 249, Physio Control, comprehensive coverage and battery replacement for LUCAS, Term of Contract December 14, 2017 through December 13, 2022  
Ratify the Board of County Commissioners approval on Grant 2017 GRA 16, Victims Assistance Grant (VOCA), approved on November 8, 2017  
Ratify Chairman Jim Zwetzig's signature on the Access Security for the Certification of Levies and Revenues Online application signed on December 14, 2017  
Ratify Chairman Jim Zwetzig's signature on the purchase agreement for additional licensed users for the Cartegraph software signed on December 14, 2017

Commissioner Arndt made a motion to approve all items on the Consent Agenda as presented. Chairman Zwetzig seconded the motion and motion carried 2-0.

### EMPLOYEE APPRECIATION AWARDS – 3<sup>rd</sup> and 4th Quarter 2017

The Board recognized the following employees for their respective years of service to Morgan County:

#### \*5 Years of Service

Megan Horton	DHS
David Hutcheson	Road/Bridge
Michelle Araujo	Communications Center
Bobby Baquera	Sheriff Office
Jason Gildow	Road/Bridge
Garrett Strobel	Ambulance
Melissaa Ramirez	DHS

#### \*10 Years of Service

Cynthia Pearl	DHS
Cass Yearous	Solid Waste
Teresa Edwards	Ambulance
Oneida Petrino	DHS

#### \*15 Years of Service

Tammie Wick	DHS
Dan Schiller	Coroner
Wendy Quick	Ambulance
Leonna Hofer	DHS
Jamie Pangle	DHS

#### \*20 Years of Service

MJ Rhoades	Accounting
Robert Mendoza	Road/Bridge

# 2 COMMISSIONERS PROCEEDINGS

## \*25 Years of Service

Jose Monsivais Fleet

## \*30 Years of Service

Rogelio Segura DHS  
Frank Bourquin Road/Bridge  
William Baughman Road/Bridge

## GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

**Consideration of Approval – RESOLUTION - 2017 BCC 60 – A Resolution of the Board of County Commissioners of Morgan County, Colorado, repealing Resolution No. 2014 BCC 08 Regarding the allocation of fund forfeitures**

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

**RESOLUTION NO. 2017 BCC 60**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, REPEALING RESOLUTION NO. 2014 BCC 08 REGARDING THE ALLOCATION OF FUND FORFEITURES**

WHEREAS, on September 26, 2017, the Board of County Commissioners approved the transfer of the County's retirement plans to the Colorado County Officials and Employees Retirement Association ("CCOERA"), effective January 1, 2018;

WHEREAS, prior to that time, the County managed the County's retirement plans, including but not limited to, the allocation of fund forfeitures, and in furtherance of such management, adopted Resolution No. 2014 BCC 08 to govern the allocation of fund forfeitures and in particular, designate the amount of retainage from the forfeited funds; and

WHEREAS, with the transfer of the County's retirement plans to CCOERA, the County no longer needs to maintain a retainage of fund forfeitures and for clarification, desires to repeal Resolution No. 2014 BCC 08.

NOW, THEREFORE, be it resolved by the Morgan County Board of County Commissioners, Colorado, as follows:

1. Effective January 1, 2018, Resolution No. 2014 BCC 08 is hereby repealed.

APPROVED this 19<sup>th</sup> day of December, 2017.

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

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

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

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey

Morgan County Finance Director Michelle Covelli presented to the Board for approval, Resolution 2017 BCC 60, a Resolution of the Board of County Commissioners of Morgan County, Colorado, repealing Resolution No. 2014 BCC 08 Regarding the allocation of fund forfeitures. Ms. Covelli stated this resolution repealing the earlier resolution will repeal the fact that in the Mass Mutual Retirement Fund, the County was required to have a \$2000 retirement forfeiture fund balance and with the new COERRA plan, this is no longer a requirement. She indicated the County is now able to use the entire forfeiture with the new plan.

Commissioner Arndt made a motion to approve Resolution 2017 BCC 60, a Resolution of the Board of County Commissioners of Morgan County, Colorado, repealing Resolution No. 2014 BCC 08 Regarding the allocation of fund forfeitures as presented by Morgan County Finance Director Michelle Covelli with Chairman Zwetzig seconding the motion. At this time, the motion carried 2-0.

**Consideration of Approval – RESOLUTION - 2017 BCC 61 – A Resolution of the Board of County Commissioners of Morgan County, Colorado, dissolving the Morgan County Retirement Board**

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

**RESOLUTION NO. 2017 BCC 61**

# COMMISSIONERS PROCEEDINGS 3

## **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO, DISSOLVING THE MORGAN COUNTY RETIREMENT BOARD**

WHEREAS, on September 26, 2017, the Board of County Commissioners approved the transfer of the County's retirement plans to the Colorado County Officials and Employees Retirement Association ("CCOERA"), effective January 1, 2018;

WHEREAS, from 2008 to the present, the County has been managing the County's retirement plans through the Morgan County Retirement Board, pursuant to C.R.S. § 24-54-107;

WHEREAS, with the transfer of the County's retirement plans to CCOERA, the County is no longer required to have a retirement board; and

WHEREAS, on December 4, 2017, the Morgan County Retirement Board voted to dissolve.

NOW, THEREFORE, be it resolved by the Morgan County Board of County Commissioners, Colorado, as follows:

2. The Board of County Commissioners expressly confirms and recognizes the dissolution of the Morgan County Retirement Board, effective January 1, 2018.

APPROVED this 19<sup>th</sup> day of December, 2017.

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

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

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

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey

Morgan County Human Resource Director Tracy Amen presented to the Board for approval, Resolution 2017 BCC 61, a Resolution of the Board of County Commissioners of Morgan County, Colorado, dissolving the Morgan County Retirement Board. Ms. Amen stated this resolution will dissolve the Morgan County Retirement Board, stating on September 26, 2017, the Board approved a transfer from Mass Mutual to COERRA and on December 14, 2017, the Retirement Board approved the decision to dissolve. Those board members were Dave Martin who served two years, Steven Enfante, the Chair, Kim Prevost, as a citizen, Sharon Kauffman as a citizen and Bob Sagel, the Treasurer. Chairman Zwetzig mentioned Mike Berryhill and Paula Ace as having served in the past.

Commissioner Arndt made a motion to approve Resolution 2017 BCC 61, a Resolution of the Board of County Commissioners of Morgan County, Colorado, dissolving the Morgan County Retirement Board as presented by Morgan County Human Resource Director Tracy Amen with Chairman Zwetzig seconding the motion. At this time, the motion carried 2-0.

**Consideration of Approval – RESOLUTION - 2017 BCC 62 – A Resolution approving two variances from the minimum rear yard setback and maximum lot coverage for property located in the Jackson Lake RV park subdivision, lots 170 and 171, Morgan County, Colorado**

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

#### **RESOLUTION NO. 2017 BCC 62**

#### **A RESOLUTION APPROVING TWO VARIANCES FROM THE MINIMUM REAR YARD SETBACK AND MAXIMUM LOT COVERAGE FOR PROPERTY LOCATED IN THE JACKSON LAKE RV PARK SUBDIVISION, LOTS 170 AND 171, MORGAN COUNTY, COLORADO**

WHEREAS, Gerald and Pamela Lehman (the "Owners") own Lots 170 and 171, in in the Jackson Lake RV Park Subdivision, with the addresses of 171 Indian Way and 25402 County Road 3, Lot 107, Weldona, CO 80653;

WHEREAS, the Owners filed an application for a variance from the minimum rear yard setback, as set forth in Table 1 of Appendix B of the Morgan County Zoning Regulations ("Zoning Regulations"), requesting a reduction in the required rear yard setback from ten feet (10') to six feet (6') for the placement of a single-family home; and

# 4 COMMISSIONERS PROCEEDINGS

**WHEREAS**, the Owners also filed an application for a variance from the maximum allowable lot coverage, as set forth in Table 1 of Appendix B of the Morgan County Zoning Regulations (“Zoning Regulations”), requesting an increase from the thirty-five percent (35%) percent to thirty-six and three-tenths percent (36.3%) for the placement of a single-family home;

**WHEREAS**, the Owners had previously received approval on another variance for the front setback to construct a garage pursuant to Resolution 2014 BCC 33 recorded at Reception Number 890117, on October 21, 2014;

**WHEREAS**, on November 14, 2017 the Board of County Commissioners of Morgan County, Colorado held a properly noticed public hearing on the applications; and

**WHEREAS**, the Board of County Commissioners after taking staff and public testimony and reviewing the material provided to it, desires to approve the variance application.

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

1. The Board of County Commissioners, having reviewed the application, all information provided, testimony heard and the criteria for a variance as set forth in Sec 5-220 of the Zoning Regulations finds that:
  - a. The application requirements of Section 5-185 have been met; the application was complete and represents a clear picture of the requested variance.
  - b. There are no off-site impacts of the requested variance which would require additional infrastructure (utilities, drainage, or roads) by the County or Special Districts.
  - c. The variance proposed is compatible with surrounding uses and is adequately buffered as necessary.
  - d. The general intent and purpose of these Regulations and the Morgan County Comprehensive Plan would be served by granting the variance.
  - e. The granting of this variance would prevent undue hardship in the application of the requirements of these Regulations and would be in the best interests of public health, safety, and welfare.
2. The Board of County Commissioners hereby approves the variance.

Dated this 19<sup>th</sup> day of December, 2017 *nunc pro tunc* November 14, 2017.

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

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

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

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

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey

Morgan County Planning Director/Floodplain Administrator Pam Cherry presented to the Board for approval, Resolution 2017 BCC 62, a Resolution approving two variances from the minimum rear yard setback and maximum lot coverage for property located in the Jackson Lake RV park subdivision, lots 170 and 171, Morgan County, Colorado. Ms. Cherry stated that on November 7, 2017 the Board approved an application for a variance to Section 3-650 Table 1, Appendix B of the Morgan County Zoning Regulations to reduce the rear yard setback requirement from 10 feet to six feet, a 40% reduction. In addition, a variance from lot coverage is also requested that will increase the lot coverage to 36.3% from the maximum 35% in the Jackson Lake Village zone district. She indicated that signing and recording of the resolution is necessary.

Ms. Cherry explained that the Lehman’s own two adjacent lots, 170 and 171, which total approximately 5,000 square feet total on which they plan to build a home. The property is located in the W½ of the NW¼ of Section 27, Township 5 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. The lots have been combined for tax purposes and have a parcel number of 0971-272-01-170 and is addressed as 171 Indian Way; mailing: 25402 Co Rd 3, Lots 171, Weldona, Colorado 80653.

Commissioner Arndt made a motion to approve Resolution 2017 BCC 62, a Resolution approving two variances from the minimum rear yard setback and maximum lot coverage for property located in the Jackson Lake RV park

# COMMISSIONERS PROCEEDINGS 5

subdivision, lots 170 and 171, Morgan County, Colorado as presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry, approving the matter, nunc pro tunc, with Chairman Zwetzig seconding the motion. At this time, the motion carried 2-0.

## **Consideration of Approval – RIGHT OF WAY - 2017 PMT 49 – Morgan County Quality Water District**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2017 PMT 49, with Morgan County Quality Water District. Mr. Goodman stated this right of way permit is to bore across County Road R, starting at a point of 670 feet east of County Road 26 in the south right of way of County Road R boring under County Road R ending at the south property line, for the purpose of installing new ¾ inch pipeline for new water service. He stated the fees are attached in the amount of \$150.00 and the location has been inspected.

Commissioner Arndt made a motion to approve Right of Way Permit 2017 PMT 49, with Morgan County Quality Water District as outlined in the narrative of the permit noting the fees in the amount of \$150.00 are attached as presented by Morgan County Road Supervisor John Goodman and authorized the Chair to sign. Chairman Zwetzig seconded the motion. At this time, the motion carried 2-0.

## **Consideration of Approval – 2017 Mill Levy Certification**

Morgan County Information Services Director Karol Kopetzky presented to the Board for approval the 2018 Mill Levy Certification for Morgan County. Ms. Kopetzky summarized the information provided to the board stating that all taxing agencies have reported to the County in a timely manner. Ms. Kopetzky thanked the Assessor's office for their assistance and further mentioned the deadline as being a bit different this year how it fell within the regular Board meeting schedule.

Ms. Kopetzky read aloud the school district information certifying the following as:

Merino School District as being 34.275 mills a difference of -0.269, 7.042 bond and an abatement increase .233  
Brush School District as being 52.360 mills a difference of +7.075, 14.505 bond, 10.23 kindergarten special mill, abatement decrease .012 and an override 9.820

Fort Morgan School District as being 42.066 mills a difference of -.0789, bond 12.779, abatement 0.78 and an override 2.209

Weldona School District as being 32.624 mills a difference of -0.143 and 5.020 bond, an override .604 and an abatement 0.000

Wiggins School District as being 38.951 mills a difference of +1.762, 14.403 bond and an abatement of .003

Briggsdale School District as being 15.219 mills a difference of -4.281, 3.628 bond, an abatement .026 and an override of 0.000

Aims Jr. College as being 3.317 mills a difference of +.009 and 0.018 abatement

Ms. Kopetzky further summarized the mill levy for Morgan County including the cities and towns as:

Morgan County certifying at 28.966 mills a difference of -0.004 with 0.018 an Abatement for the 2018 fiscal year  
City of Brush as being 15.683 mills a difference of -0.069 with 0.023 an Abatement for the 2018 fiscal year, also have 1.000 fire equip mill

City of Fort Morgan as being 13.254 mills no difference

Hillrose as being 17.585 mills a difference of -0.305 and a temporary tax credit of .305

Log Lane as being 27.413 mills a difference of -6.854 and a temporary tax credit of 6.854

Wiggins as being 32.212 mills no difference

Further local improvements and service districts were then summarized with the fire districts being referenced as:

Brush Rural Fire as being 3.447 mills a difference of -0.066, also a temporary tax credit and a .500 fire pension mill  
Fort Morgan Rural Fire Protection as being 3.033 mills no difference

Hillrose Rural Fire as being 7.719 mills no difference also have a .500 mill capital expenditures and .500 mill fire pension

New Raymer-Stoneham Fire as being 2.588 mills no difference also a .500 mill fire pension

Wiggins Rural Fire Protection as being 7.00 mills no difference

The following Water Conservancy Districts were summarized as being:

Central Colorado Water Conservancy as being 1.800 mills a difference of -0.204, 1.208 bond, 0.003 abatement and .232 election levy

Central Colorado Ground Water Management as being 1.353 mills a difference of -0.230, 0.003 abatement and contractual obligation .800

Lower S. Platte Water Conservation as being 0.500 mills a no difference

Northern Colorado Water Conservancy as being 1.00 mills no difference

Central Colorado Well Augmentation as being 9.010 mills a difference of -0.009 and .010 abatement

Ms. Kopetzky further summarized the County Pest Control Districts indicating Fort Morgan Pest Control as being 0.299 no difference and Wiggins Community Pest Control as being 0.435 mills a difference of +.036 and a temporary tax credit as 0.16

# 6 COMMISSIONERS PROCEEDINGS

The remaining mill levies were summarized for the following as:

East Morgan County Hospital as being 4.500 mills no difference  
East Morgan County Library as being 3.500 mills no difference  
Morgan Soil Conservation District as being 0 mills no difference  
Morgan Quality Water District as being 0.824 mills no difference  
Munns Addition Water & Sanitation as being 0 mills no difference  
North Kiowa Bijou Ground Water Management as being 0.021 mills a difference of -0.005  
Prairie View Ranch Water District as being 0 mills no difference  
Snyder Sanitation as being 8.829 mills a difference of -2.129 with a temporary tax credit as 3.073

Ms. Kopetzky then summarized the assessments per acre foot, well or unit as:

Bijou Irrigation as being 19,163 acres at \$46.58/acre with no increase  
Hillrose Irrigation District 7,359 an increase in acres at \$3.00/acre with- \$1.00 decrease  
North Kiowa Bijou Special Association 363 wells \$30.00/each with no increase  
Northern Colorado Water Conservancy District Class D 451 acres at \$24.90/acre a with a acre foot unit increase of +\$7.300  
Riverside Irrigation 22,154 acres at \$8.00/acre an acre foot unit decrease of -\$7.000  
Weldon Valley Drainage 679 units at 250.00/unit no increase

Ms. Kopetzky stated they do use the online service with the State to submit this date and upon approval will do so.

Commissioner Arndt made a motion to approve the 2018 Mill Levy and Certification Summary as outlined in the certification as presented to the Board by Morgan County Information Services Director Karol Kopetzky and authorized the Chair to sign. Chairman Zwetzig seconded the motion. Motion carried 2-0.

## **Consideration of Approval – FIREWORKS DISPLAY – Jackson Lake Village, Margaret Journey**

Morgan County Administrative Services Manager Kristi Waite presented to the Board the application submitted by Jackson Lake Village, Margaret Journey for a Fireworks Display Permit on December 31, 2017 with no rain date. The location for the fireworks display will take place at Jackson Lake Village. Ms. Waite stated the necessary paperwork has been submitted and the Wiggins Department has approved this fireworks permit.

Commissioner Arndt made a motion to approve the Fireworks Display Permit, indicating the location is Jackson Lake Village, stating the date and times of the permit with the contingency that if there should be any fire ban in place, the permit will not be authorized with the applicant being Jackson Lake Village, Margaret Journey as outlined by Morgan County Administrative Services Manager Kristi Waite and authorized the Chair to sign. Undersheriff Martin asked the Board to note if there should be a red flag warning issued on this date as set forth by the National Weather Service, that be indicated as well. Commissioner Arndt amended his motion to include this information and Chairman Zwetzig seconded the amended motion and motion carried 2-0 as amended.

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

Commissioners reviewed the calendar dated December 15, 2017 through December 26, 2017 with no changes.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **CITIZEN'S COMMENT**

There were no citizen comments made at this time.

### **LIQUOR LICENSES**

At this time, the Board of County Commissioners convened as the Morgan County Liquor License Authority in the matters of:

#### **Retail Liquor or 3.2 Beer License Renewal Application– Tavern (County)**

**Licensee: Clavis Club of Morgan County, Inc. dba Clavis Club of Morgan County, Inc.**  
**Operating Manager: Brenda Garfio**

Morgan County Clerk and Recorder Susan Bailey presented to the Board a Retail Liquor License or 3.2 Beer License Renewal Application submitted by Brenda Garfio, operating manager, Clavis Club of Morgan County, Inc. dba Clavis Club of Morgan County, Inc. for a Tavern (county) license. Ms. Bailey stated the applicant has also submitted a Public Dance Hall License application which is required by Morgan County Liquor Licensing regulations and further indicated that she has received the necessary documents and all fees for both. Ms. Bailey stated she has had no issues with this licensee and then asked the Morgan County Sheriff's Department to report at which time Undersheriff Dave Martin indicated he had nothing to report and no known violations.

Chairman Zwetzig opened the matter for public comment at which time no comment followed.

At this time, the matter moved to discussion and decision.

# COMMISSIONERS PROCEEDINGS 7

A motion was made by Commissioner Arndt to approve the liquor license renewal for Brenda Garfio, operating manager, Clavis Club of Morgan County, Inc. dba Clavis Club of Morgan County, Inc. as presented by Morgan County Clerk and Recorder Susan Bailey and authorized the Chair to sign noting the fees are attached. Chairman Zwetzig seconded the motion and motion carried 2-0.

At this time, a motion was made by Commissioner Arndt to approve the Public Dance Hall License for Brenda Garfio, operating manager, Clavis Club of Morgan County, Inc. dba Clavis Club of Morgan County, Inc. as presented by Morgan County Clerk and Recorder Susan Bailey and authorized the Chair to sign noting the fees are attached. Chairman Zwetzig seconded the motion and motion carried 2-0.

**Retail Liquor or 3.2 Beer License New Application– Hotel & Restaurant (County)  
Licensee: Russel D. Croft & Victoria V. Visser dba The Flame Steakhouse  
Operating Manager: Russell D. Croft & Victoria V. Visser**

Morgan County Clerk and Recorder Susan Bailey presented to the Board a Retail Liquor License or 3.2 Beer License New Application submitted by Russell D. Croft & Victoria V. Visser, operating manager, dba The Flame Steakhouse for a Hotel & Restaurant (county) license. Ms. Bailey stated the applicants, Russell Croft and Victoria Vissar submitted the application which was formally accepted by the board acting as the local licensing authority on November 14, 2017. At that time, as per statute, the board set the neighborhood for petitioning purposes. She indicated the applicants successfully submitted the necessary paperwork and fees to complete the application. Ms. Bailey further stated Ms. Vissar and Mr. Croft submitted two petitions in which they circulated and both signed an Affidavit as the Circulators indicating compliance with the required process. At this time, Ms. Bailey summarized the outcome of the process stating it resulted in two separate petition documents being returned, one for business owners and one for residential owners within the specific area. Petition 1, which reflects the business owners, has 7 acceptable signatures, which includes the same signer for two different property addresses, 4 signatures that are outside of the boundary area, 2 signatures that are just on the south side of County Road Q indicating they are in favor and 1 signature that indicated the individual was not in favor. Petition 2, which reflects the residential owners, has 17 acceptable signatures, 4 signatures that are outside of the boundary area, 2 signatures that are just on the south side of County Road Q, 2 signatures that are just on the north side of County Road S indicating they are in favor, and 1 signature that indicated the individual was not in favor. Ms. Bailey stated the applicants also provided a list of property addresses that they attempted to reach out to and have indicated that one refused to sign the petition and the others were not home or available, with the total being 3 business properties and 28 residential properties.

Ms. Bailey further indicated she received the proper evidence of zoning compliance in the form of a letter from the Planning and Zoning Department indicating this business is in compliance. Ms. Bailey stated that all proper notices were completed including publishing the notice of hearing in the Fort Morgan Times, on December 5, 2017 as well as the proper signage having been posted on site of the location this license is being submitted for. I have photographs confirming the posting of the signage on the dates of November 29<sup>th</sup>, 2017 and December 18, 2017 and the applicants have returned the signage which will be made a part of the file. Ms. Bailey stated that as of today, she was not aware of any public comments having been received in favor or in opposition of this matter.

At this time, Ms. Bailey indicated that all state and local background checks were completed and returned in a favorable manner. Ms. Bailey asked Undersheriff Martin to present his report at which time he indicated he had nothing to report. Ms. Bailey confirmed that Hilary Graham, of the County Attorney's office, reviewed the application and approved its content and at this time asked the Board for its approval explaining the next step as being once it is approved by the local licensing authority, it is then sent onto the State for their review for final approval.

Chairman Zwetzig asked the applicant about those individuals referenced as refusing to sign the petition as to if they knew the reason for refusal. Mr. Croft stated the one was due to the nature of the business the individual is involved with as being a church, and the other indicated that they did not feel there should be a liquor license issued.

Chairman Zwetzig opened the matter for public comment at which time no comment followed.

At this time, the matter moved to discussion and decision.

A motion was made by Commissioner Arndt to approve the new liquor license for Russell D. Croft & Victoria V. Visser, operating manager, dba The Flame Steakhouse, address being 14424 Highway 34, Fort Morgan, Colorado as presented by Morgan County Clerk and Recorder Susan Bailey and authorized the Chair to sign noting the fees are attached. Chairman Zwetzig seconded the motion and motion carried 2-0.

**PUBLIC HEARING – continued from December 5, 2017**

Chairman Zwetzig called the hearing to order at 9:56 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman James Zwetzig, Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Also present was Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry along with staff and Kathryn Sellars, County Attorney.

**Amendments to Morgan County Zoning and Subdivision Regulations**

**1) Proposed amendments to various sections of the Morgan County Zoning Regulations concerning the use of pipelines as a use by right for wastewater.**

# 8 COMMISSIONERS PROCEEDINGS

## MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

### RESOLUTION NO. 2017 BCC 54

#### A RESOLUTION AMENDING VARIOUS SECTIONS THE MORGAN COUNTY ZONING REGULATIONS CONCERNING THE USE OF PIPELINES FOR WASTEWATER

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, the Board of County Commissioners has determined that it is in the best interest of the County to amend the existing zoning regulations to address the use of pipelines for wastewater in all Morgan County Zoning Districts;

WHEREAS, the Planning Commission has considered the amendment set forth herein and recommended the terms "Hazardous Waste" and "Commercial Disposal Well Facility" also be included as exclusions to the use by right, as well as include definitions of "Hazardous Waste" and "Commercial Disposal Well Facility"; and

WHEREAS, the Board of County Commissioners, after a duly noticed public hearing on December 19, 2017, considered any public testimony and the Planning Commission recommendation and finds that the amendment is in the best interests of the citizens of Morgan County.

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

1. The Definitions of the Morgan County Zoning Regulations is amended by the addition of new Sections 1-288 and 1-532 to read as follows:

**1-288 Commercial Disposal Well Facility:** A facility whose primary objective is disposal of exploration and production waste from oil and gas operations from a third party for financial profit.

**1-532 Hazardous Waste:** Waste as defined in C.R.S. § 25-15-101(6), as may be amended.

- 2.. Section 3-170(N) of the Morgan County Zoning Regulations, Parcels Larger Than 20 Acres, is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

3. Section 3-170(J) of the Morgan County Zoning Regulations, Parcels 20 Acres and Smaller, is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

4. Section 3-190(J) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

5. Section 3-210(L) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

6. Section 3-230(J) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

7. Section 3-250(M) of the Morgan County Zoning Regulations is hereby amended to read as follows:



# COMMISSIONERS PROCEEDINGS 9

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

8. Section 3-270(I) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

9. Section 3-295(G) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

10. Section 3-315.5(G) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

11. Section 3-335.5(I) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

12. Section 3-355(H) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

13. Section 3-380(J) of the Morgan County Zoning Regulations is hereby amended to read as follows:

Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

APPROVED this 19<sup>th</sup> day of December, 2017.

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

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

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

\_\_\_\_\_  
s/Mark A. Arndt  
Mark A. Arndt, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey

Chairman Zwetzig asked Morgan County Attorney Kathryn Sellars to present the file at which time Ms. Sellars stated the purpose of the proposed amendments to various sections of the Morgan County Zoning Regulations is concerning the use of pipelines as a use by right for wastewater under the Morgan County Zoning Regulations.

Ms. Sellars further stated the resolution was discussed during the meeting two weeks ago whereas the Planning Commission had made a recommendation to exclude pipelines that transported hazardous waste with the Commissioners then taking the opportunity to review that definition under state law. She stated that during that hearing, the Commissioners wanted to narrow the exclusion for pipelines transporting E&P wastewater from oil and gas operations to only those pipelines transporting that wastewater to a commercial disposal well facility which is the type of facility that injects E&P wastewater for third parties for financial gain. She indicated this exclusion does not cover any pipeline for someone who is operating their own well and disposal well, so if they have a pipeline between those two that exclusion would not apply to them; it would be a use by right. She stated the exclusion would apply when pipelines that transport wastewater produced by oil and gas operations to a commercial disposal well facility and wastewater designated as hazardous waste, those two uses would require a special use permit the

# 10 COMMISSIONERS PROCEEDINGS

way the regulations are written. She stated that in addition, a definition was added to the zoning regulations for commercial disposal well facilities indicating it as being the Colorado Oil and Gas Commission rules and regulations, and that it is also what is indicated in the moratorium. Chairman Zwetzig noted this matter had been continued to give the Board an opportunity to review the statute as suggested by Mr. Chuck Miller and feels that Mr. Miller's comments have since been answered.

At this time, Chairman Zwetzig opened the matter for public comment at which time there was no public comment.

At this time, the matter moved to discussion and decision.

Commissioner Arndt made a motion to approve Resolution 2017 BCC 54, a Resolution amending various sections of the Morgan County Zoning Regulations concerning the use of pipelines for wastewater as presented by Morgan County Attorney Kathryn Sellars and Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry with Chairman Zwetzig seconding the motion. At this time, the motion carried 2-0.

Being no further business, the meeting was adjourned at 9:59 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

(Minutes ratified December 26, 2017)

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

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

\_\_\_\_\_  
s/Mark A. Arndt  
Mark A. Arndt, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey