

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, DECEMBER 4, 2018**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Jeff Baker, Chair	Commissioner District 3	Present
Kathleen Conti, Chair Pro-Tem	Commissioner District 1	Present
Nancy Sharpe	Commissioner District 2	Present
Nancy Jackson	Commissioner District 4	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Matt Crane	Clerk to the Board	Absent and Excused
Joleen Sanchez	Asst. Clerk to the Board	Present

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER

Commissioner Baker called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Conti and duly seconded by Commissioner Holen to adopt the Agenda as presented.

The motion passed 5-0.

CITIZEN COMMENT PERIOD

Elizabeth Wojdacz expressed concern about a civil matter and asked to meet with the Commissioners.

APPROVAL OF THE MINUTES

The motion to approve the minutes from the November 13, 2018 Public Meeting was made by Commissioner Sharpe, duly seconded by Commissioner Conti.

The motion passed 5-0.

CEREMONIES

There were no ceremonies on this date.

CONSENT AGENDA

The motion was made by Commissioner Holen, duly seconded by Commissioner Jackson to approve the consent agenda as presented.

The motion passed 5-0.

GENERAL BUSINESS ITEMS

7.a. Resolution No. 180656 - UASI 18-002 Houlihan Pipeline Use by Special Review and 1041

Robert Hill, Senior Assistant County Attorney, established jurisdiction for the Board to consider this request.

Diane Kocis, Energy Specialist, presented a PowerPoint presentation, a copy of which has been retained for the record. She introduced the case and the general description of the proposal. She recommended approval.

There was discussion regarding future development in the area near the pipeline.

Commissioner Jackson asked about the difference between a major 1041 application and a minor 1041 application.

Sherman Feher, Planner, explained the difference.

There was discussion regarding the depth of the pipeline in relation to the water shed.

Matt Norton, representing the applicant, reviewed the history of the company, then presented a map of the five-mile corridor and construction plan. He then discussed safety.

There was discussion regarding contact with local fire districts. Ms. Kocis stated that a referral was sent to Bennet Fire and there were no concerns.

Mr. Norton clarified that there would be five pipelines and explained how the pipelines are protected from each other.

There was discussion regarding resources from the applicant to train local fire departments.

There was discussion regarding abandonment procedures when the pipelines are no longer in use.

The potential of leaks was discussed. Mr. Norton explained what happens if a leak is detected.

There was discussion regarding the hours of operation during construction. Commissioner Jackson expressed concern regarding 24-hour drilling. Mr. Norton confirmed that neighbors would be notified. Ms. Kocis stated that the hours of construction would be 7:00 am to 7:00 pm, and are included in the conditions of approval.

Commissioner Jackson referred to page 30 of the staff report, which states that there would be a 24-hour operation. She said she is opposed to 24-hour construction.

Commissioner Conti asked for clarification.

Mr. Norton stated that there would be horizontal directional drilling only to install the pipelines.

Commissioner Baker asked what would be visible to the public after construction is complete besides signage.

Mr. Norton referred to the map and pointed out valve locations and fencing.

Commissioner Conti pointed out that there are state standards that must be followed when the pipeline is no longer in use.

Mr. Norton explained how the construction would take place and said the pipes would be installed consecutively and there could be drilling over a five-year period.

Scott Elery, representing the applicant, clarified that there would be two separate construction phases. He also stated that there would be drilling over 24-hour periods when construction beings under roads and Interstate 70.

The public comment period was opened.

There were no public comments.

The public comment period was closed.

The following motion was made by Commissioner Baker, duly seconded by Commissioner Sharpe: In the case of UASI18-002, the Houlihan Pipeline Use by Special Review, the Board of County Commissioners have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and the public comment as presented at the public hearing. I hereby move to APPROVE this application based on the findings in the staff report, subject to the following conditions:

1. The applicant will make modifications to plans, as requested by the Public Works & Development Department, prior to the signing of the mylars and before the commencement of any construction activities relating to this project.
2. The applicant will address all Engineering Services Division comments and provide modifications to the plan and support documentation as identified by Engineering Staff,

prior to the signing of the mylars and before any construction is started. This includes, but is not limited to, the USR Exhibit, 1041 Permit Application materials, Construction Plans, and the Grading Erosion Sediment Control (GESC) Plan.

3. As a condition to the Access Permit, the applicant agrees to maintain and restore any damage to all public roadways used by the applicant to the pre-construction condition following construction of the pipeline.
4. All necessary pipeline easements must be executed and recorded prior to construction of the pipeline.
5. The applicant will strive to avoid any areas of paleontological, historic, or archaeological importance during construction. Prior to the issuance of the GESC permit, the applicant shall physically investigate the Area of Potential Effect and document the presence or absence of evidence of the Smoky Hill – Northern Branch and the Fort Morgan Cutoff historic trails. If trails are identified in the pipeline corridor, applicant shall bore under those trail segments as recommended by the State Historic Preservation Office.
6. During construction, the applicant will need to conduct surveys, in order to determine if any Federal and/or State Threatened and Endangered Species, as well as State Species of Concern exist in areas where the pipeline will be constructed. If the surveys determine that these species exist, then the applicant will follow Colorado Parks and Wildlife (CPW) protocols, in collaboration with CPW and Arapahoe County, to mitigate and minimize any potential impact to these species.
7. The applicant will obtain all necessary Arapahoe County Engineering Permits prior to commencing construction of the pipeline project.
8. In order to properly replace drainage patterns, the applicant is required to provide as-built conditions of all existing major drainage ways, as defined by the Arapahoe County Stormwater Management Manual, along the proposed pipeline alignment/disturbance prior to approval. The major drainage ways shall be restored to meet the existing as-built.
9. The Applicant is responsible for dust control and mitigation on the permanent and temporary pipeline easements.
10. The Applicant will construct and operate the pipeline in compliance with all state and federal regulations and obtain all necessary state and federal permits.
11. The Applicant will reclaim and reseed the pipeline easement following construction of the pipeline or the applicant will consult the landowner as to how they would like the farmland left for final stabilization.
12. The Applicant will comply with all local, state and federal hazardous materials regulations, including spill prevention and response plans and provide a copy of the spill prevention and response plans to the County.
13. The applicant will address all concerns raised by Tri-County Health, such as OWTS and water well protection, as well as sanitary and solid-waste disposal will be provided.
14. The Applicant will address all concerns raised by Xcel Energy, specifically to assure 10 foot radial clearance.
15. The Applicant will limit their hours of construction to 7:00 a.m. until 7:00 p.m. and inform the nearest adjacent landowners of the construction start, with the exception for allowing horizontal drilling as necessary to complete the drilling for the three identified right of way crossings and with advance notice of such drilling to adjacent property owners.
16. The Applicant will adhere to signed easements with all property owners, unless said property owner(s) agree to modifications of the agreement in writing.

The motion passed 5-0.

COMMISSIONER COMMENTS

Commissioner Sharpe recognized the passing of our 41st President, George Herbert Walker Bush.

Commissioner Conti commented on an opportunity she had to meet President and Mrs. Bush and said they were very kind and gracious.

Commissioner Baker mentioned the fundraising efforts for the Arapahoe Foundation, and said the funds would go towards helping displaced seniors due to an apartment fire.

There being no other business before the Board, Commissioner Baker adjourned the meeting at 10:31 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

MATT CRANE, CLERK TO THE BOARD
BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD
