

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting October 27, 2020

As reflected in posted agenda:

The County Will Be Abiding By the Social Distancing Requirements in Public Health Order 20-28 for This Meeting. Due To Limited Space In The Assembly Room, Remote Attendance Is Encouraged. If You Have Any Questions Regarding Attending The Meeting, Please Contact Karla Powell at 970-542-3500.

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/85493098244> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 4 p.m. on Monday October 26, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/85493098244> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 854 9309 8244

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/85493098244> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 854 9309 8244

The Board of Morgan County Commissioners met Tuesday, October 27, 2020 at 9:00 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Jon Becker in attendance. Chairman Arndt asked Morgan County Undersheriff Jon Horton to lead the meeting in the Pledge of Allegiance.

### CITIZEN'S COMMENT

There was no citizen comment provided.

### ADOPTION OF THE AGENDA

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

### CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated October 13, 2020
2. Ratify the Board of County Commissioners approval of meeting minutes dated October 15, 2020
3. Ratify the Board of County Commissioners approval of meeting minutes dated October 20, 2020
4. Ratify the Board of County Commissioners approval of Contract 2020 CNT 126 Colorado Mobile Drug Testing, Term of Contract October 1, 2020 through September 31, 2021
5. Ratify the Board of County Commissioners approval of Contract 2020 CNT 127 Stadcomm, Term of Contract October 15, 2020 through December 31, 2020
6. Ratify the Board of County Commissioners approval of Contract 2020 CNT 128 Permittum, Term of Contract October 16, 2020 through October 15, 2021
7. Ratify Chairman Mark Arndt's signature on the Memorandum of Understanding Between the Colorado Department of Agriculture and Morgan County signed October 21, 2020
8. Ratify Commissioner Mark Arndt's signature on Academy Scholarship for Rural and Small Agencies Grant Application, signed October 21, 2020
9. Ratify Commissioner Mark Arndt's signature on CARES Act Grant Award-Country Steak Out, signed October 21, 2020
10. Ratify the Board of County Commissioners approval on Fairgrounds Fee Waiver Request from Fort Morgan Police Department, signed October 19, 2020
11. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #200432, #201496, #201226, #201210, #200604, #200777, #201315A, #201293, #201450, #200695, #200693, #201048, #201290, #201297, #200854, #201237, #201145, #201313, #201151, #201107, #201340, #201217, #201346C, #201170A, #201397, #201306, #201222B, #200417, #200391, #201144, #201324, #201023, #200885, #201376, #201184A, #200758, #200999, #201195F, #201195D, #201197, #201195E, #201015, #200736, #201333, #201365, #201388, #201391, #201478, #201284, #201481, #201382, #200798, #201327, #201263, #201479, #201216, #201212, #201231, #201124, #201220, #192910, #200254, #201504

Commissioner Zwetzig made a motion to approve the consent agenda items 1-11 as presented, with Commissioner Becker seconding the motion. Motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval – Bid Tabulations – RFP 2020-1014-001 Conventional Truck Tractor**

Morgan County Public Works Director, Bruce Bass presented to the Board for approval Bid Award 2020-1014-001 Conventional Truck Tractor. Mr. Bass stated he received two bids from Transwest Truck Trailer RV in the amount of \$234,120.00 for the two units and from MHC Kenworth of Greeley in the amount of \$261,224.00 for the two units. Mr. Bass explained each bid in detail.

At this time, Mr. Bass recommended to the Board to award the bid to the lowest bidder, Transwest Truck Trailer RV, in the amount of \$234,120.00 for the two units.

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Commissioner Becker made a motion to approve bid award RFP 2020-1014-001 Conventional Truck Tractor to Transwest Truck Trailer RV in the amount of \$234,120.00 for the two units as outlined and recommended by Morgan County Public Works Director, Bruce Bass. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – Bid Tabulations – RFP 2020-1014-002 Bottom Dump Trailer**

Morgan County Public Works Director, Bruce Bass presented to the Board for approval Bid Award 2020-1014-002 Bottom Dump Trailer. Mr. Bass stated he received five bids one from Utility Trailer Sales of Colorado, Brighton in the amount of \$33,835.00, Utility Trailer Sales of Colorado, Brighton in the amount of \$40,400.00, Bruckner Truck Sales Inc., Commerce City in the amount of \$39,955.00, Transwest Truck Trailer RV, Brighton in the amount of \$48,015.00 and from All Colorado Semi Trailers, Denver in the amount of \$42,350.00. Mr. Bass explained each bid in detail.

At this time, Mr. Bass recommended to the Board to award the bid to one of the lowest bidders Utility Trailer Sales of Colorado, Brighton in the amount of \$40,400.00. Chairman Arndt asked what the life expectancy of the truck and trailer would be, with Mr. Bass stating 15 to 20 years.

Commissioner Zwetzig made a motion to approve bid award RFP 2020-1014-002 Bottom Dump Trailer to Utility Trailer Sales of Colorado, Brighton in the amount of \$40,400.00 as outlined and recommended by Morgan County Public Works Director, Bruce Bass. Commissioner Becker seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – Bid Tabulations – RFP 2020-0903-001 Inmate Medical and Mental Health**

Morgan County Sheriff, Dave Martin presented to the Board for approval Bid Award 2020-0903-001 Inmate Medical and Mental Health. Sheriff Martin stated he received three bids from Turnkey Healthcare Clinics in the amount of \$284,384.00 annually, Southern Health Partners in the amount of \$325,500.00 annually, and from Wellpath in the amount of \$331,733.00 annually. Sheriff Martin stated that this bid will only be for medical health not mental health at this time.

At this time, Sheriff Martin recommended to the Board to award the bid to the lowest bidder Turnkey Healthcare Clinics in the amount of \$24,500.00 monthly and \$284,384.00 annually. Sheriff Martin stated that Turnkey Healthcare Clinics are the lowest bidder and they work with Logan and Weld Counties and Morgan County will be able to trade or share resources if that is needed.

Commissioner Becker made a motion to approve bid award RFP 2020-0903-001 Inmate Medical and Mental Health to Turnkey Healthcare Clinics in the amount of \$24,500.00 monthly and \$284,384.00 annually as outlined and recommended by Morgan County Sheriff, Dave Martin. Commissioner Zwetzig seconded the motion. At this time, the motion carried 3-0.

## **Consideration of Approval – 2020 BCC 32 – A Resolution Granting A Special Use Permit For A Confined Animal Feeding Operation For No More Than 3,119 Animal Units On Property Located In The W ½, And South And West Of The Bijou Canal, Section 26, Township 3North, Range 58 West Of The 6th Pm, Morgan County, Aka 16098 County Rd O, Fort Morgan, Co 80701**

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

#### **RESOLUTION 2020 BCC 32**

#### **A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A CONFINED ANIMAL FEEDING OPERATION FOR NO MORE THAN 3,119 ANIMAL UNITS ON PROPERTY LOCATED IN THE W ½, AND SOUTH AND WEST OF THE BIJOU CANAL, SECTION 26, T3N, R 58W OF THE 6TH PM, MORGAN COUNTY, AKA 16098 COUNTY RD O, FORT MORGAN, CO 80701**

**WHEREAS**, Bullseye Holdings, LLC ("Owner") owns property located in in the W ½, and South and West of the Bijou Canal, Section 26, T3N, R 58W of the 6th PM, Morgan County, with an address of 16098 County Rd O, Fort Morgan, CO 80701 (the "Property");

**WHEREAS**, Owner filed an application (the "Application") for special use approval to operate a Confined Animal Feeding Operation for no more than 9000 animal units on the Property;

**WHEREAS**, on July 13, 2020, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be approved with certain conditions;

**WHEREAS**, on July 20, 2020 the Board of Adjustment approved a variance request to reduce the setback from a CAFO to an occupied structure from 1,320 feet to 708 feet, approximately 612 feet;

**WHEREAS**, on August 5, 2020, September 10, 2020, and October 15, 2020, the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application;

# COMMISSIONERS PROCEEDINGS 3

**WHEREAS**, notice of the August 5, 2020 public hearing before the Board of County Commissioners was properly published and properly posted at the Property, the August 5<sup>th</sup> public hearing was properly continued to September 10, 2020, and the September 10, 2020 public hearing was properly continued to October 15, 2020;

**WHEREAS**, during the public hearing the Board of County Commissioners received testimony and evidence from staff, the Owner and the public; and

**WHEREAS**, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application, subject to certain conditions set forth herein, which includes a maximum of 3,119 animal units.

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

**1. APPROVAL.**

The Application is hereby granted, subject to the conditions set forth herein, which include a maximum number of 3,119 animal units. This Resolution shall constitute the special use permit (hereinafter referred to as this "Resolution" or the "Permit").

**2. FINDING OF FACT.**

Subject to Owner meeting and complying with all conditions set forth herein, the following findings are made:

- a. The use and location are in conformance with the Morgan County Comprehensive Plan. Specifically:

*The location is south of the intersection of County Road O and County Road 16; located in the South Central Planning area as defined by the Morgan County Comprehensive Plan 2008. In this area the goal is to preserve and protect existing agriculture uses south of County Road Q. A feeding operation is an agriculture use.*

*Agriculture is a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount, and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses.*

- b. The application is complete and presents a clear picture of how the use is to be arranged on the site.

- c. Subject to satisfaction of the conditions below, the site conforms to the district design standards of the Morgan County Zoning Regulations.

- d. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures. Specifically:

*All adjoining properties are also zoned Agriculture Production and one property is also a feeding operation.*

- e. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography. Specifically:

*Buffering is not required as adjacent land uses are compatible.*

- f. Subject to satisfaction of the conditions below, this special use poses only the minimum amount of risk to the public health, safety and welfare. Specifically:

*Engineering reports and studies have been conducted for the property and submitted to the Colorado Department of Public Health and Environment (CDPHE) as well as the State Engineer's office for review.*

- g. The special use will not be located on a nonconforming parcel of land.

- h. Owner has adequately documented a public need for the project in the form of increased economic development. Owner has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs. Specifically:

*There are a number of feeding operations in Morgan County that support the local economy.*

- i. Subject to the satisfaction of the conditions below, Owner has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability.

*The State of Colorado Division of Water Resources has approved a substitute water supply plan from October 1, 2020 through September 30, 2021 as evidenced by a letter from the Division dated September 9, 2020 admitted into the hearing record. Owner seeks a permanent water decree in Water Court Case #2016CW3028.*

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## 3. CONDITIONS.

The approval of the use by special review is conditioned upon the following:

- a. The maximum number of animal units shall be 3,119.
- b. The facility shall not commence operations until it has received approval from all agencies with jurisdiction over the operation and all required permits have been issued.
- c. The facility shall not commence operations until all improvements set forth in the Application for Phases I, II, and III in the Application document entitled "Bullseye Feedlot Phased Implementation details," which is attached hereto as **Exhibit A**, have been constructed and are operational; provided that:
  - i. The berm adjacent to the Bijou Ditch shall be fully extended to the southern portion of the property; and
  - ii. The fourth pond shall be constructed and operational within 1 year of the date of this Resolution.
- d. The facility shall operate the Bullseye 3T well, Permit No. 80348-F in compliance with all well permit conditions and the applicable substitute water supply plan and/or permanent augmentation plan as determined by the State.
- e. Generally accepted best management practices as recommended by the Natural Resources Conservation Service and established in applicable publications of Colorado State University for land application of manure and waste water shall be followed.
- f. Owner 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.
- g. Bijou Irrigation shall be granted access to the Bijou ditch for the purpose of inspection and maintenance of the irrigation ditch.
- h. Prior to commencing operations, Owner shall provide a letter from its banker stating that Owner is in good financial standing with Owner's banking institution.

## 4. GENERAL PROVISIONS.

- a. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County Representatives are authorized to inspect the Property at any reasonable time upon notice to the Owner.
- b. This approval is conditioned on compliance with all information and representations contained in the Application and presented by Owner, which are incorporated into this Resolution.
- c. Owner shall comply and ensure compliance by third parties with all requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 27th day of October, 2020.

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

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

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s/Jon J. Becker  
Jon J. Becker, Commissioner

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

(SEAL)

ATTEST:

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

Morgan County Planning and Zoning Administrator, Pam Cherry, presented to the Board Resolution 2020 BCC 32 a Resolution Granting A Special Use Permit For A Confined Animal Feeding Operation For No More Than 3,119 Animal Units On Property Located In The W ½, And South And West Of The Bijou Canal, Section 26, Township 3North, Range 58 West Of the 6th PM, Morgan County, Aka 16098 County Rd O, Fort Morgan, Co 80701. Ms. Cherry stated on July 13, 2020 the Planning Commission held a public hearing on an application submitted by Bullseye Holding for a Use by Special Review to allow a confined animal feeding operation located in the W ½ and

# COMMISSIONERS PROCEEDINGS 5

South and West of the Bijou Canal, Section 26, T3N, R 58W of the 6th PM, Morgan County, aka 16098 County Road O, Fort Morgan, CO 80701.

Ms. Cherry explained that on August 5, September 10 and October 15, 2020 the Board of County Commissioners considered the application in public hearings and approved the application, subject to conditions 3(a-h) listed in resolution 2020 BCC 32 which reflects the outcome of the hearing. Condition "a" limits the animal units to 3,119 when 9,000 was the number requested in the original application.

Ms. Cherry stated that on Monday, October 26, the Planning Department received a letter from First Central Bank that satisfies condition 3(h).

Commissioner Zwetzig stated there are others conditions that were not read aloud that are in the resolution.

At this time, Ms. Cherry read aloud the following conditions:

- i. The maximum number of animal units shall be 3,119.
- j. The facility shall not commence operations until it has received approval from all agencies with jurisdiction over the operation and all required permits have been issued.
- k. The facility shall not commence operations until all improvements set forth in the Application for Phases I, II, and III in the Application document entitled "Bullseye Feedlot Phased Implementation details," which is attached hereto as **Exhibit A**, have been constructed and are operational; provided that:
  - i. The berm adjacent to the Bijou Ditch shall be fully extended to the southern portion of the property; and
  - ii. The fourth pond shall be constructed and operational within 1 year of the date of this Resolution.
- l. The facility shall operate the Bullseye 3T well, Permit No. 80348-F in compliance with all well permit conditions and the applicable substitute water supply plan and/or permanent augmentation plan as determined by the State.
- m. Generally accepted best management practices as recommended by the Natural Resources Conservation Service and established in applicable publications of Colorado State University for land application of manure and waste water shall be followed.
- n. Owner 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.
- o. Bijou Irrigation shall be granted access to the Bijou ditch for the purpose of inspection and maintenance of the irrigation ditch.
- p. Prior to commencing operations, Owner shall provide a letter from its banker stating that Owner is in good financial standing with Owner's banking institution.

Chairman Arndt asked if the site plan needed to be recorded with the resolution, with Ms. Cherry stating yes it should be attached when it is recorded. County Attorney Jeff Parker stated yes it should be recorded because it is listed as an exhibit on the resolution.

Mr. Parker stated that the resolution was presented to Bullseye Holdings LLC attorney for their review.

Bullseye Holdings LLC, Attorney Russell Sprague, 131 W. Emerson, Holyoke Colorado, stated he was emailed the resolution and it is acceptable, he also stated that the letter from Bullseyes Holdings LLC bank has been submitted.

Chairman Arndt asked if the resolution is being signed *nun pro tunc* on October 15, 2020 is correct with Mr. Parker stating it is more appropriate for it to not be that way it should be approved as of today.

Commissioner Zwetzig made a motion to approve Resolution 2020 BCC 32 Resolution Granting A Special Use Permit For A Confined Animal Feeding Operation For No More Than 3,119 Animal Units On Property Located In The W ½, And South And West Of The Bijou Canal, Section 26, Township 3North, Range 58 West Of the 6th PM, Morgan County, Aka 16098 County Rd O, Fort Morgan, Co 80701 as presented by Morgan County Planning and Zoning Administrator, Pam Cherry, with the stated conditions and the amendment that it is approved October 27' 2020 with Commissioner Becker seconding the motion. At this time, the motion carried 3-0.

## UNFINISHED BUSINESS

There was no unfinished business.

## COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated October 23, 2020, 2020 through November 3, 2020 with no changes.

Chairman Arndt presented the road report ending October 23, 2020 reading the report into the minutes.

# 6 COMMISSIONERS PROCEEDINGS

Chief Deputy Clerk Randee Aleman gave an update on the General Election.

Chairman Arndt asked if there was any further business to bring before the Board, and upon hearing none, the meeting was adjourned at 9:35a.m.

Respectfully Submitted,  
Randee Aleman  
Deputy Clerk to the Board  
(Minutes ratified November 10, 2020)

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

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

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s/ Jon J. Becker  
Jon J. Becker, Commissioner

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

(SEAL)

**ATTEST:**

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