

# COMMISSIONERS PROCEEDINGS 1

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

The Board of Morgan County Commissioners met Tuesday, September 19, 2017 at 9:05 a.m. with Chairman James Zwetzig, Commissioner Laura Teague and Commissioner Mark Arndt in attendance. Chairman James Zwetzig called the meeting to order and asked Morgan County Human Resources Director Tracy Amen 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 Arndt seconding the motion. Motion carried 3-0.

### CONSENT AGENDA

- Ratify the Board of County Commissioners approval of meeting minutes dated September 5, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 191, EPIC Design & Consulting LLC, 2 sets of Brush ambulance building design, Term of Contract August 28, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 192, Premier Fire Protection, relocated fire sprinkler heads at Judicial Center, Term of Contract August 14, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 193, Mortec Industries, Inc., repairs to landfill scale monitor, Term of Contract August 3, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 194, KSID Radio, lodging and tourism advertising, Term of Contract September 5, 2017 through September 30, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 195, Sidney Sun Telegraph, lodging and tourism advertising, Term of Contract September 5, 2017 through September 30, 2017
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 196, Superbodies Auto Center, LLC, repairs due to accident on unit #708, Term of Contract September 12, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 197, Universal Inspections LTD, annual inspections on service truck cranes and lift all buckets, Term of Contract September 12, 2017 until completed
- Ratify the Board of County Commissioners approval on Contract 2017 CNT 198, Centennial Mental Health Center, Inc, provide IOG Coordinator & FACT Facilitator, Term of Contract October 1, 2017 through January 31, 2018
- Ratify the Board of County Commissioners approval on the Morgan County Public Trustee Report for the period of July 2017 through August 2017 approved on September 18, 2017
- Ratify Commissioner Laura Teague's signature on the Department of Solid Waste Management Special Waste Acceptance application for Pine Top Homes LLC signed on September 12, 2017
- Ratify Pro-Tem Chair Teague's signature on the Fort Morgan Farms IV annexation letter addressed to the City of Fort Morgan waiving the impact report signed on September 13, 2017
- Ratify the Board of County Commissioners approval of assignment of debt collections to State Collections, Client #170176C, #162368, #170265, #170773

Commissioner Arndt made a motion to approve all items 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 - 2017 BCC 33 – A Resolution to void checks and stop-payment order**

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

#### RESOLUTION NO. 2017 BCC 33

#### MORGAN COUNTY GOVERNMENT RESOLUTION TO VOID CHECKS AND STOP-PAYMENT ORDER

Be it resolved that on this 19th day of SEPTEMBER, 2017, the Morgan County Board of County Commissioners hereby authorizes the cancellation of the following warrants.

<u>Check#</u>	<u>Date</u>	<u>Category (Fund) Issued To</u>	<u>Amount</u>	<u>Reason</u>
1601101	08/16/17	911 EMERGENCY TELEPHONE FUND – CenturyLink	\$825.51	Lost Check

NOTE: The Morgan County Board of County Commissioners resolves that all warrants outstanding after the specified time period on the face of the warrant will be canceled, with the stipulation that should such warrant be presented for payment, a new warrant will be issued as a replacement warrant.

# 2 COMMISSIONERS PROCEEDINGS

## STOP PAYMENT ORDER

The Board of County Commissioners for the County of Morgan hereby orders stop-payment of the above cancellations.

Should one of these warrants, which has been reported canceled, be presented to the county treasurer, he will reject it to the bank as stale dated or lost. The county department will issue a new warrant and report this as an adjustment on the current appropriate "Statement of Expenditure".

Dated this 19<sup>th</sup> day of September, 2017

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

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

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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 Finance Director Michelle Covelli presented to the Board for approval, Resolution 2017 BCC 33 a Resolution to void checks and stop-payment order. Ms. Covelli stated this stop payment order was for a check that was drawn from the 911 Emergency Telephone Fund stating it was sent out without the barcode and the company is unable to locate the check and in order to reissue a check, a stop payment order is necessary.

Commissioner Teague made a motion to approve Resolution 2017 BCC 33, a Resolution to void checks and stop-payment order as presented by Morgan County Finance Director Michelle Covelli in the amount of \$825.51 payable to CenturyLink with Commissioner Arndt seconding the motion. At this time, the motion carried 3-0.

#### **Consideration of Approval – RESOLUTION - 2017 BCC 34 – A Resolution to join the Colorado Statewide Investment Pool and adopt the Indenture of Trust for the investment pool**

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

#### **RESOLUTION NO. 2017 BCC 34**

#### **A RESOLUTION TO JOIN THE COLORADO STATEWIDE INVESTMENT POOL AND ADOPT THE INDENTURE OF TRUST FOR THE INVESTMENT POOL**

WHEREAS, Morgan County, through its Board of County Commissioners, ("Participant") desires to join with other Local Governments to pool funds for investment;

WHEREAS, pursuant to C.R.S. 24-75-701 *et seq.*, it is lawful for any Local Government to pool any moneys in its treasury, which are not immediately required to be disbursed, with the same such moneys in the treasury of any other Local Government in order to take advantage of short-term investments and maximize net interest earnings; and

WHEREAS, the Trust is a statutory trust formed under the laws of the State of Colorado in accordance with the provisions of Parts 6 and 7, Article 24 and Articles 10.5 and 47 of Title 11 of the Colorado Revised Statutes regarding the investing, pooling for investment and protection of public funds.

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

1. Morgan County Board of County Commissioners hereby approves and adopts, and thereby joins as a Participant with other Local Governments pursuant to Title 24, Article 75, Part 7 of the Colorado Revised Statutes, that certain Indenture of Trust entitled the Colorado Statewide Investment Pool as amended from time to time, the terms of which are incorporated herein by this reference and a copy of which shall be filed with the minutes of the meeting at which this Resolution was adopted.

# COMMISSIONERS PROCEEDINGS 3

Dated this 19<sup>th</sup> day of September, 2017.

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

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

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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 Treasurer Bob Sagel presented to the Board for approval, Resolution 2017 BCC 34 a Resolution to join the Colorado Statewide Investment Pool and adopt the Indenture of Trust for the investment pool. Mr. Sagel stated the County is currently investing in the Colorado Statewide Investment Pool called CSIP. He summarized the reason for this resolution explaining these have been good investment tools in the past and what will happen when converting funds from the money market to the into the local government, the County will receive 30 investment points immediately and asked the Board for its approval.

Commissioner Arndt made a motion to approve Resolution 2017 BCC 34, a Resolution to join the Colorado Statewide Investment Pool and adopt the Indenture of Trust for the investment pool as presented by Morgan County Treasurer Bob Sagel with Commissioner Teague seconding the motion. At this time, the motion carried 3-0.

**Consideration of Approval – RESOLUTION - 2017 BCC 35 – A Resolution conditionally approving a use by special review for the construction of a fourth sequencing batch reactor on property located in the E1/2 of the NE1/4 of Section 8, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 1505 E Burlington Ave, Fort Morgan, Colorado 80701**

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

**RESOLUTION NO. 2017 BCC 35**

**A RESOLUTION CONDITIONALLY APPROVING A USE BY SPECIAL REVIEW FOR THE  
CONSTRUCTION OF A FOURTH SEQUENCING BATCH REACTOR ON PROPERTY LOCATED IN  
THE E½ OF THE NE¼ OF SECTION 8, T3N, R57W OF THE 6<sup>th</sup> P.M.,  
MORGAN COUNTY, COLORADO WITH AN ADDRESS OF 1505 E BURLINGTON AVENUE, FORT  
MORGAN, COLORADO 80701**

**WHEREAS**, Cargill Meat Solutions Corporation (the “Owner”) owns property located in the E½ of the NE¼ of Section 8, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, with the address of 1505 Burlington Avenue, Fort Morgan, Colorado, located in the Light Industrial Zone District;

**WHEREAS**, Felimon Castenada (the “Applicant”), on behalf of the Owner, filed an application for a Use by Special Review pursuant to Sections 3-345(E) of the Morgan County Zoning Regulations to expand and improve the existing meat packing facility through the addition of a fourth Sequencing Batch Reactor;

**WHEREAS**, on September 5, 2017, the Board of County Commissioners, held a properly noticed public hearing on the application;

**WHEREAS**, the expansion will improve the operational processes as well as provide redundancy for their operations;

**WHEREAS**, the Board of County Commissioners heard testimony from the Morgan County Planning Administrator who recommended approval of the project based on evidence and the recommendation for approval from the Planning Commission at the public hearing on August 14, 2017 and the applicant;

**WHEREAS**, the Board of County Commissioners of Morgan County, Colorado, after taking staff and public testimony and reviewing the material provided to it, desires to grant the Use by Special Review application, subject to the conditions below.

# 4 COMMISSIONERS PROCEEDINGS

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO**, that based upon the findings below that they wish to conditionally approve the application.

1. The Board of County Commissioners having reviewed the Use by Special Review application, all information provided, testimony heard and the criteria for granting the request as set forth in 2-345 of the Morgan County Zoning Regulations find that:
  - A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan and will provide economic growth, utilize existing infrastructure and will protect existing agricultural operations. Cargill has long operated this facility in the current location which is in conformance with the Comprehensive Plan.
    - i. The project will broaden employment opportunities for residents and will further economic growth.
    - ii. The proposed use is compatible with existing land uses and there is access to established public infrastructure.
    - iii. The use will protect existing agriculture operations by allowing it to continue while not restricting private property rights.
  - 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. All necessary application documents were included in the original submittal package.
  - C. The Site Plan conforms to the district design standards of Sections 4-555 through 4-570 of the Morgan County Zoning Regulations. Specifically:
    - i. The proposed Sequencing Batch Reactor is located in excess of three hundred and fifty feet (350') from any residence or one hundred fifty feet (150') from the property line.
    - ii. The proposed Batch Sequencing Reactor is located in excess of one hundred fifty feet (150') from domestic water wells.
    - iii. The applicant shall construct the facility according to the final design plans as submitted to Morgan County and as approved by the Colorado Department of Public Health and Environment.
  - D. The special use is compatible with the surrounding uses and adequately buffered as determined by the County. Cargill is on a forty-nine (49) acre parcel which provides buffering from adjacent uses.
  - E. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulation, whichever is the strictest.
  - F. The special use proposed is not to be developed on a non-conforming parcel.
  - G. 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.
  - H. The Board of County Commissioners hereby conditionally approves the Use by Special Review subject to:
    - i. 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 Applicant.
    - ii. The applicant shall comply with all governmental and regulatory agency requirements and permits, including without limitation those promulgated for the protection of health, safety and welfare of the inhabitants of Morgan County. Such compliance shall include without limitation compliance with the regulations of the Colorado Department of Public Health and Environment and the United States Environmental Protection Agency.
    - iii. Material alterations to the proposed development as set forth in this application shall require an amendment to this permit, after hearings before the Morgan County Planning Commission and the Board of County Commissioners. Nonmaterial alterations may be approved by the Morgan County Planning Administrator, upon receipt of written application requesting approval of the proposed alterations.

# COMMISSIONERS PROCEEDINGS 5

- iv. The applicant shall comply with all the 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 public hearing.
- v. The Applicant shall rigorously follow the engineered plans as submitted and accepted by Morgan County and the Colorado Department of Public Health and Environment.
- vi. The Sequencing Batch Reactor shall be monitored for leaks by the leak detection system submitted in the design plan, as monitoring wells to assure water quality. All leak detection design and monitoring wells shall be approved and in compliance with the Colorado Department of Public Health and Environment.

Dated this 19<sup>th</sup> day of September, 2017, *nunc pro tunc* September 5, 2017.

## THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)

### ATTEST:

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s/ Susan L. Bailey  
Susan L. Bailey

Morgan County Planning Director/Floodplain Administrator Pam Cherry presented to the Board for approval, Resolution 2017 BCC 35 A Resolution conditionally approving a use by special review for the construction of a fourth sequencing batch reactor on property located in the E1/2 of the NE1/4 of Section 8, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 1505 E Burlington Ave, Fort Morgan, Colorado 80701. Ms. Cherry stated the matter is scheduled for today to obtain the necessary signatures on the resolution as approved during the hearing process dated September 5, 2017.

Commissioner Teague made a motion to approve Resolution 2017 BCC 35, A Resolution conditionally approving a use by special review for the construction of a fourth sequencing batch reactor on property located in the E1/2 of the NE1/4 of Section 8, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 1505 E Burlington Ave, Fort Morgan, Colorado 80701, signing nunc pro tunc, as approved two weeks ago and as presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry with Commissioner Arndt seconding the motion. At this time, the motion carried 3-0.

**Consideration of Approval – RESOLUTION - 2017 BCC 36 – A Resolution approving a conditional use for the construction of a facility of a public utility in the SE1/4 of Section 33, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 20738 County Road N, Fort Morgan, Colorado 80701**

## MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

### RESOLUTION NO. 2017 BCC 36

### A RESOLUTION CONDITIONALLY APPROVING A CONDITIONAL USE FOR THE CONSTRUCTION OF A FACILITY OF A PUBLIC UTILITY IN THE SE¼ OF SECTION 33 TOWNSHIP 3 NORTH RANGE 57 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO WITH AN ADDRESS OF 20738 MORGAN COUNTY ROAD N, FORT MORGAN, COLORADO 80701

**WHEREAS**, Peter V. and Karen V. Anderson (the “Owners”) own property located in the E½ of Section 33, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, with the address of 20738 Morgan County Road N, Fort Morgan, Colorado, 80701 (“Property”), and located in the “A” Agriculture Production Zone District;

**WHEREAS**, Starlight Energy Corporation (the “Applicant”), on behalf of the Owners, filed an application for a Conditional Use Permit pursuant to Sections 3-175(F) of the Morgan County Zoning Regulations to construct a Utility Service Facility to generate solar and natural gas electricity on twenty (20) acres of the Property, being leased to the Applicant by the Owners for a thirty (30) year term;

# 6 COMMISSIONERS PROCEEDINGS

**WHEREAS**, there is currently Conditional Use Permit #2014-05 on a five acre portion of the twenty (20) acres being leased;

**WHEREAS**, Applicant and Owners have requested that Conditional Use Permit #2014-05 be rescinded as part of their application for a new conditional use permit;

**WHEREAS**, the Board of County Commissioners heard testimony from the Morgan County Planning Administrator who recommended approval of the project based on evidence and the recommendation for approval from the Planning Commission at the public hearing on August 14, 2017 and the applicant;

**WHEREAS**, on September 5, 2017, the Board of County Commissioners, held a properly noticed public hearing on the application; and

**WHEREAS**, the Board of County Commissioners of Morgan County, Colorado, after taking staff and public testimony and reviewing the material provided to it, desires to grant the Conditional Use application, subject to the conditions below.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO**, that based upon the findings below that they wish to conditionally approve the application as follows:

2. The Board of County Commissioners having reviewed the Conditional Use application, all information provided, testimony heard and the criteria for a Conditional Use as set forth in 2-315 of the Morgan County Zoning Regulations find that:
  - (a) The application documents are complete and present a clear picture of how uses are to be arranged on the site.
  - (b) The site plan conforms to the design standard of these Regulations. More detailed construction drawings will be submitted prior to development of the site.
  - (c) There are no off-site impacts imposed by the conditional use that require additional infrastructure or upgrades by the County or Special Districts. Unimproved Morgan County Road 21 will be used as is.
  - (d) The use proposed is compatible with the surrounding uses and adequately buffered as necessary. All referrals and notifications were distributed and there have been no objections to the proposal received.
3. Conditional Use Permit #2014-05 is hereby rescinded effective immediately.
4. The Board of County Commissioners hereby conditionally approves the Conditional Use subject to:
  - (a) Reporting of production of electricity sold is required on a quarterly basis, beginning within three months of initiating production at the facility.

Dated this 19<sup>th</sup> day of September, 2017, *nunc pro tunc* September 5, 2017.

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

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

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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 36 A Resolution approving a conditional use for the construction of a facility of a public utility in the SE1/4 of Section 33, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 20738 County Road N, Fort Morgan, Colorado 80701. Ms. Cherry stated the matter is scheduled for today to obtain the necessary signatures on the resolution as approved during the hearing process dated September 5, 2017.

# COMMISSIONERS PROCEEDINGS 7

Commissioner Teague made a motion to approve Resolution 2017 BCC 36, A Resolution approving a conditional use for the construction of a facility of a public utility in the SE1/4 of Section 33, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 20738 County Road N, Fort Morgan, Colorado 80701, signing nunc pro tunc, as presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry with Commissioner Arndt seconding the motion. At this time, the motion carried 3-0.

**Consideration of Approval – RESOLUTION - 2017 BCC 37 – A Resolution approving a variance for the construction of a facility of a public utility on property located in the SE1/4 of Section 33, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 20738 County Road N, Fort Morgan, Colorado 80701**

## MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

### RESOLUTION NO. 2017 BCC 37

#### A RESOLUTION APPROVING A VARIANCE FOR THE CONSTRUCTION OF A FACILITY OF A PUBLIC UTILITY ON PROPERTY LOCATED IN THE SE¼ OF SECTION 33, T3N, R57W OF THE 6<sup>th</sup> P.M., MORGAN COUNTY, COLORADO WITH AN ADDRESS OF 20738 MORGAN COUNTY ROAD N, FORT MORGAN, COLORADO 80701

**WHEREAS**, Peter V. and Karen V. Anderson (the “Owners”) own property located in the SE ¼ of Section 33, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, with the address of 20738 Morgan County Road N, Fort Morgan, Colorado located in the “A” Agriculture Production Zone District;

**WHEREAS**, Starlight Energy Corporation (the “Applicant”), on behalf of the Owner, filed an application for a variance from the requirements of Section 3-650 Bulk Lot Requirements of Table 1 of Appendix B(6) of the Morgan County Zoning Regulations which allows maximum lot coverage of 10% in the Agriculture Production Zone District;

**WHEREAS**, the Owner will lease twenty (20) acres to the Applicant of which lot coverage is anticipated to be less than fifty percent (50%);

**WHEREAS**, on September 5, 2017, the Board of County Commissioners, held a properly noticed public hearing on the application; and

**WHEREAS**, the Board of County Commissioners of Morgan County, Colorado, after taking staff and public testimony and reviewing the material provided to it, desires to grant the Variance application.

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

5. The Board of County Commissioners having reviewed the Variance application, all information provided, testimony heard and the criteria for a Variance as set forth in 5-220 of the Morgan County Zoning Regulations find that:
  - a. Prior to any future expansion of the solar farm the applicant shall submit any application required by the Morgan County Zoning Regulations.
  - b. Lot coverage by panels and any additional equipment shall not exceed 50%.

The Board of County Commissioners hereby approves the Variance.

Dated this 19<sup>th</sup> day of September, 2017 *nunc pro tunc* September 5, 2017.

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

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

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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

# 8 COMMISSIONERS PROCEEDINGS

Morgan County Planning Director/Floodplain Administrator Pam Cherry presented to the Board for approval, Resolution 2017 BCC 37 a Resolution approving a variance for the construction of a facility of a public utility on property located in the SE1/4 of Section 33, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 20738 County Road N, Fort Morgan, Colorado 80701. Ms. Cherry stated the matter is scheduled for today to obtain the necessary signatures on the resolution as approved during the hearing process dated September 5, 2017 and further indicated this is the same facility as what was approved for in Resolution 2017 BCC 36.

Commissioner Arndt made a motion to approve Resolution 2017 BCC 37, a Resolution approving a variance for the construction of a facility of a public utility on property located in the SE1/4 of Section 33, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 20738 County Road N, Fort Morgan, Colorado 80701, signing nunc pro tunc, as presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry with Commissioner Teague seconding the motion. At this time, the motion carried 3-0.

**Consideration of Approval – RESOLUTION - 2017 BCC 38 – A Resolution conditionally approving an amendment to a use by special review for increase in height of an existing landfill and the construction of a new landfill on property located in Section 19, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 14940 County Road 24, Brush, Colorado 80723**

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

### **RESOLUTION NO. 2017 BCC 38**

**A RESOLUTION CONDITIONALLY APPROVING AN AMENDMENT TO A USE BY SPECIAL REVIEW FOR INCREASE IN HEIGHT OF AN EXISTING LANDFILL AND THE CONSTRUCTION OF A NEW LANDFILL ON PROPERTY LOCATED IN SECTION 19, T3N, R56W OF THE 6<sup>th</sup> P.M., MORGAN COUNTY, COLORADO WITH AN ADDRESS OF 14940 COUNTY ROAD 24, BRUSH, COLORADO 80723**

**WHEREAS**, Public Service Company of Colorado (the “Owner”) owns property located in Section 19, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, with the address of 14940 County Road 24, Brush, Colorado, located in the Heavy Industrial Zone District;

**WHEREAS**, the Owner filed an application for an Amendment to a Use by Special Review pursuant to Sections 3-365(F) of the Morgan County Zoning Regulations to increase the height of a previously approved existing landfill and to construct a new landfill;

**WHEREAS**, the final elevation increase of the existing landfill from 4,370 feet to 4,415 feet will increase the capacity and extend the duration of use;

**WHEREAS**, the construction of a new landfill is required to provide landfill space for disposal of products produced through the generation of electricity at the Pawnee Power Plant;

**WHEREAS**, on August 21, 2017, the Morgan County Planning Commission held a properly noticed public hearing on the application and recommended approval of the application;

**WHEREAS**, on September 12, 2017 the Board of County Commissioners held a properly notice public hearing on the application and heard testimony from the applicant, and the Morgan County Planning Administrator who recommended approval of the project based on evidence and the recommendation for approval from the Planning Commission; and

**WHEREAS**, the Board of County Commissioners of Morgan County, Colorado, after taking staff and applicant testimony and reviewing the material provided to it, desires to grant the amendment to the Use by Special Review application.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO**, that based upon the findings below that they wish to conditionally approve the application.

6. The Board of County Commissioners having reviewed the Use by Special Review application, all information provided, testimony heard and the criteria for granting the request as set forth in 2-345 of the Morgan County Zoning Regulations find that:
  - A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan, specifically:
    - i. The project will broaden employment opportunities for residents and further economic growth.
    - ii. The use is compatible with existing land uses and access is established to public infrastructure.



# COMMISSIONERS PROCEEDINGS 9

- iii. The use is properly sited with due regard to environmental quality and minimal impact to surrounding uses and resources.
  - 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 regulation, 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 financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
7. The Board of County Commissioners hereby approves the Amendment to the Use by Special Review subject to the following conditions:
- a. Public Service Company of Colorado or future plant operators will remain in compliance with all agencies with regulatory authority.

Dated this 19<sup>th</sup> day of September, 2017, *nunc pro tunc* September 12, 2017.

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

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

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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 38 a Resolution conditionally approving an amendment to a use by special review for increase in height of an existing landfill and the construction of a new landfill on property located in Section 19, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 14940 County Road 24, Brush, Colorado 80723. Ms. Cherry stated the matter is scheduled for today to obtain the necessary signatures on the resolution as approved during the hearing process dated September 12, 2017.

Commissioner Teague made a motion to approve Resolution 2017 BCC 38, a Resolution conditionally approving an amendment to a use by special review for increase in height of an existing landfill and the construction of a new landfill on property located in Section 19, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 14940 County Road 24, Brush, Colorado 80723, signing *nunc pro tunc*, as presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry with Chairman Zwetzig seconding the motion, noting that Commissioner Arndt was absent at the previous hearing. At this time, the motion carried 3-0.

**Consideration of Approval – RESOLUTION - 2017 BCC 39 – A Resolution conditionally approving a conditional use for the construction of a utility service facility in the sections 5, 6 and 7, Township 5 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 3305 County Road 3, Orchard, Colorado 80649**

# 10 COMMISSIONERS PROCEEDINGS

## MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

### RESOLUTION NO. 2017 BCC 39

#### **A RESOLUTION CONDITIONALLY APPROVING A CONDITIONAL USE FOR THE CONSTRUCTION OF A UTILITY SERVICE FACILITY IN THE SECTIONS 5, 6 AND 7 TOWNSHIP 5 NORTH RANGE 60 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO WITH AN ADDRESS OF 3305 COUNTY ROAD 3, ORCHARD, COLORADO 80649**

**WHEREAS**, Wickstrom Land, LLC (the “Owner”) owns property located in Sections 5, 6 and 7, Township 5 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, with the address of 3305 Morgan County Road 3, Orchard, Colorado, 80649 (“Property”), and located in the “A” Agriculture Production Zone District;

**WHEREAS**, Sterling Energy Investments (the “Applicant”), on behalf of the Owner, filed an application for a Conditional Use Permit pursuant to Sections 3-175(F) of the Morgan County Zoning Regulations to construct a gathering pipeline as a utility service facility to transport natural gas from well heads to natural gas processing plants;

**WHEREAS**, on August 21, 2017, the Morgan County Planning Commission held a properly noticed public hearing on the application and recommend approval of the application;

**WHEREAS**, on September 12, 2017 the Board of County Commissioners held a properly noticed public hearing on the application and heard testimony from the applicant, and the Morgan County Planning Administrator who recommended approval of the project based on evidence presented and the recommendation for approval from the Planning Commission; and

**WHEREAS**, the Board of County Commissioners of Morgan County, Colorado, after taking staff and public testimony and reviewing the material provided to it, desires to grant the Conditional Use application, subject to the conditions below.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO**, that based upon the findings below that they wish to conditionally approve the application as follows:

8. The Board of County Commissioners having reviewed the Conditional Use application, all information provided, testimony heard and the criteria for a Conditional Use as set forth in 2-315 of the Morgan County Zoning Regulations find that:
  - A. The application documents are complete and present a clear picture of how uses are to be arranged on the site.
  - B. The Site Plan conforms to the design standards of the County’s Zoning Regulations. More detailed construction drawings will be submitted prior to construction.
  - C. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure or upgrades by the County or Special Districts. The alignment will be returned to its pre-construction condition and re-vegetated in compliance with floodplain regulations and Sterling’s agreement with the property owner that plans to farm the disturbed areas. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.
  - D. The property is located in Agriculture Production zone district. There will not be a visual impact to adjoining properties. All referrals and notifications were distributed and there have been no comments received as of September 8, 2017.
9. The Board of County Commissioners hereby conditionally approves the Conditional Use subject to:
  1. The pipeline will be constructed within two years of approval of the application on September 12, 2017, or new application will be required.
  2. Road crossings will require a permit from the County. Road cuts are not permitted on paved roads.
  3. Easement agreements must be obtained from the property owner prior to commencing construction.

Dated this 19<sup>th</sup> day of September, 2017, *nunc pro tunc* September 12, 2017.

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

# COMMISSIONERS PROCEEDINGS 11

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

Morgan County Planning Director/Floodplain Administrator Pam Cherry presented to the Board for approval, Resolution 2017 BCC 39 a Resolution conditionally approving a conditional use for the construction of a utility service facility in the sections 5, 6 and 7, Township 5 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 3305 County Road 3, Orchard, Colorado 80649. Ms. Cherry stated the matter is scheduled for today to obtain the necessary signatures on the resolution as approved during the hearing process dated September 12, 2017.

Commissioner Teague made a motion to approve Resolution 2017 BCC 39, a Resolution conditionally approving a conditional use for the construction of a utility service facility in the sections 5, 6 and 7, Township 5 North, Range 60 West of the 6<sup>th</sup> P.M., Morgan County, Colorado with an address of 3305 County Road 3, Orchard, Colorado 80649, signing nunc pro tunc, noting that Commissioner Arndt was absent at the previous hearing, as presented by Morgan County Planning Director/Floodplain Administrator Pam Cherry with Chairman Zwetzig seconding the motion. At this time, the motion carried 3-0.

**Consideration of Approval – Adopted Personnel Policy dated September 19, 2017**

Morgan County Human Resources Director Tracy Amen presented to the Board for approval the Morgan County Personnel Policy dated September 19, 2017. Ms. Amen outlined the various revisions to the policy stating this is the County's due diligence to review the policy which has been reviewed by the BOCC, all county elected officials and the County Attorney. She outlined two major revisions stating one having to deal with Leave without Pay and how accruals will be handled as well as the payout for unused PTO. Ms. Amen stated that effective December 31, 2018, PTO hours in excess of 480 hours will be paid out as compensation for a maximum of 18 days at the employee's current rate of pay rather than \$50.00 per day. This will now be reviewed utilizing the calendar year rather than the employee's anniversary date.

Commissioner Arndt asked Financial Director Michelle Covelli if she had any concerns given she is responsible for payroll and Ms. Covelli stated she has reviewed the revisions and has no issues with the changes noting the first payout will be December 2018 for any of those payouts necessary.

Commissioner Arndt made a motion to approve Morgan County Personnel Policy dated September 19, 2017 as presented by Morgan County Human Resources Director Tracy Amen with Commissioner Teague seconding the motion. At this time, the motion carried 3-0.

**COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Morgan County Treasurer and Public Trustee Bob Sagel presented to the Board the Morgan County Treasurer's Second Quarter Report for 2017. Mr. Sagel provided a handout to the Board which indicated the collection percentage of taxes stating there was a 1.10% increase from last year, treasurer's fees indicating an increase of 1.38% as well with total investments increasing by 1.57%. Mr. Sagel also summarized the second quarter foreclosures stating there has been a decrease in foreclosure excess fees by 11.38% from last year's data. He stated that the total of foreclosures have decreased stating at this time last year there were a total of 40 foreclosures filed with only 25 being filed the same time this year. He stated deeds are down but releases of deeds of trusts are up. He stated overall this indicates that things are looking pretty good for Morgan County financially.

Commissioner Teague made a motion to accept Morgan County Treasurer's report as submitted by Treasurer and Public Trustee Bob Sagel. Commissioner Arndt seconded the motion and motion carried 3-0.

Commissioners reviewed the calendar dated September 15, 2017 through September 26, 2017 with changes.

**UNFINISHED BUSINESS**

There was no unfinished business.

**CITIZEN'S COMMENT**

There was no citizen's in attendance to provide citizens comment.

Being no further business, the meeting was adjourned at 9:25 a.m.

# 12 COMMISSIONERS PROCEEDINGS

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

(Minutes ratified September 26, 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