

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

July 28, 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/89390961002> If you cannot connect via Zoom, you may submit written public comment to bccmorganc@co.morgan.co.us by email by 4 p.m. on Monday July 27, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89390961002> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 893 9096 1002

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/89390961002> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 893 9096 1002

The Board of Morgan County Commissioners met Tuesday, July 28, 2020 at 9:03 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Becker in attendance. Chairman Arndt asked Morgan County Commissioner Zwetzig to lead the meeting in the Pledge of Allegiance.

PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:04 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner James Zwetzig, Commissioner Jon Becker, Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry and County Attorney Kathryn Sellars.

1. Dexter Rice - Applicant

Dexter & Beverly J. Rice - Landowners

Legal Description- Lot 1, corrected Replat of Annan and Annan 2 Minor Subdivision located in the W1/2 SW1/4 of Section 4, Township 3 North, Range 56 West of the 6th p.m., Morgan County, Colorado aka 26089 Co Rd R, Brush, CO 80723.

Request - The landowners are requesting this Special Use Permit for storing and processing agricultural products, specifically hemp.

Ms. Cherry explained the Planning Commission considered this application at their meeting on February 10, 2020. At that meeting a recommendation of approval was made on a vote of 3-2, subject to conditions as noted below, with the chairman not voting. The chairman thought he only voted if there was a tie, since the vote was 3-2 to approve, the chairman did not vote. This was an error. The Chairman did note that if he would have voted, he would have voted "NO". Robert Pennington recused himself from this application.

Ms. Cherry stated that since the Planning Commission hearing the applicant has supplied additional information to the Colorado Department of Fire Prevention and Control related to the safety of the facility and the chemical stored. Fire Prevention and Control provided the applicant with safety recommendations and will perform an inspection upon completion of the construction and proposed improvements. Rice has also provided a traffic letter to address concerns expressed at Planning Commission.

Application Overview

Ms. Cherry explained that the property owners have submitted an application for a Special Use Permit for approval to operate an Agricultural Product Handling, Storage and Processing facility including a lab. The property is approximately 18 acres (less than 20 acres) and is located on Lot 1 of the Annan and Annan 2 Minor Subdivision corrected Replat, in the W1/2 of the SW ¼ of Section 4, Township 3 North, Range 56 West of the 6th P.M. Morgan County, Colorado and addressed at 26089 County Road R, Brush, Colorado. The property is located in the Agriculture Production Zone District.

- a. Pursuant to Section 2-325, any use, not designated as a Use by Right, Accessory Use, Conditional Use, Use by Special Review or not otherwise prohibited in a particular zone, may be approved as a Use by Special Review pursuant to the criteria and procedures as established by these Regulations.
- b. Pursuant to Section 3-175, Parcels smaller than 20 acres does not list a laboratory as a Use by Right, Conditional Use or Use by Special Review.

Ms. Cherry explained that in addition, extraction of hemp will be conducted on the property to produce hemp oil. This permit will be applicable to product handling, storage and processing of hemp. The property is zoned "A" Agriculture Production Zone District.

Criteria – Special Use Permits

Ms. Cherry stated the following criteria are to be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.

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The property is located in the Southeast Planning area.

Chapter 2 – Plan Summary –

2.II.A - Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

- 1.) Hemp is a very new industry and will broaden employment opportunities.
- 2.) Promote economic growth and continue to support the county economic development plan.

B. ENVIRONMENT

Goal: To preserve the manmade and natural environment in order to enhance the quality of life in Morgan County.

C. LAND USE

Goal: To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

Goal: The County will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.

Chapter 4 – Economic Development –

I ECONOMIC PLAN DIRECTIONS

Goal – Encourage the location of new industry and the expansion of existing business that will provide employment opportunities and increase the tax base to strengthen the economy of Morgan County.

Policy

- | | |
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| #6 | Promote the sustainability of crops and livestock through value-added crop and livestock development. |
| #7 | Encourage economic diversity through entrepreneurial development programs. |
| #9 | Promote Morgan County as a location for state of the art and/or high tech industry. |

- (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.
The agriculture nature of the proposed Special Use is compatible with surrounding uses, buffering from adjacent Agriculture Production zoned property is not necessary.
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulations, whichever is the strictest.
This operation will be required to obtain necessary permits from state or federal agencies and remain in compliance with any requirements.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
The parcel is conforming.
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
Expansion of agriculture related businesses in the County is necessary to increase and broaden the employment opportunities and the economy in Morgan County.
- (I) For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.
The applicant has Morgan County Quality Water tap #5293 which is being monitored by Quality Water for possible increase of use.

Public Comments/Concerns

Ms. Cherry explained that there have been concerns from the public related to the operation. Some of which were calls or visits to our offices. The concerns thus far expressed:

- Property depreciation
- Waste
- Dust

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- Odor
- Lab not agriculture use
- Noxious weeds
- Safety and storage of chemicals

Recommendation and Conditions:

Ms. Cherry explained that the Planning Commission considered this application at their meeting on February 10, 2020. At that meeting a recommendation of approval was made on a vote of 3-2, to allow the processing of hemp subject to conditions subject to:

- a. The applicant shall obtain necessary permits and comply with the requirements and conditions of those permits as determined by other governmental agencies with jurisdiction over this operation.
- b. A traffic letter be prepared related to extending the driveway.
- c. Proper water tap size to be determined by Quality Water.
- d. Only a portion of the 18 acre parcel is to be used.

At this time, Chairman Arndt asked if the applicant had any further information to add at which time the applicant presented a presentation by power point. The applicant, Dexter Rice, 29274 4th Street, Snyder, CO 80750 introduced himself and proceeded to provide the presentation. The applicant offered his apologies during the presentation for not bringing this application forward to the Board sooner than he has, given he has been in operations since 2016 and states he is wanting to bring into compliance at this time.

Mr. Rice also addressed the safety issue that was brought forward by the Griffith's regarding trucks on the road and stated he has had a traffic study completed as well as a prepared traffic letter and has responded appropriately to this safety concern. Other concerns were also addressed including that of odor, noise, waste and junk, as well as light pollution.

Mr. Rice further discussed the benefits of this industry to the public, as well as other details as to how he began this entrepreneurship and those things he believes his request if approved will bring to the county. He indicated the project is ready to implement and will move forward quickly if approved. He further provided details of the permits he has applied for and received to comply with this application.

Mr. Rice detailed the engineering plans and demonstrated on the power point presentation the location of the area that will be used for the site plan. He stated that they are proceeding with fire suppression plans and noted this was not required, but felt it was important to implement.

Mr. Rice shared the licensing and certifications he has and explained each in detail as well as his values and mission regarding the proposed application.

Mr. Rice presented the neighboring property locations explaining which ones that were residences and those having no issues with the application as well as the two that have expressed opposition. He stated he has attempted to discuss the application with each and every one of them, and stated he has mitigated some of the issues that were expressed but was not able to speak directly with a few of those who had expressed concerns naming those individuals. He provided further information regarding the concerns expressed and provided a detailed response to each concern, including misunderstanding and stigma as presented in the power point.

In summary, Mr. Rice shared information as to the project and how it would fit the County's Goals as well as those values of the County Commissioners outlining reasons for each. He shared information regarding striving for positive impact as well as testimonials received regarding the product.

He shared information regarding his response to the opposition of this application as well as his request for the application to be approved.

Chairman Arndt asked the applicant to address the traffic concern, with it being stated 22 vehicles per day, with Mr. Rice explaining what the details of the traffic letter addresses at which time the letter was reviewed. Commissioner Becker asked if the applicant has it scheduled to widen the driveway, with Mr. Rice stating he has not scheduled that as of yet but does plan to move forward regarding this once this would be approved.

Commissioner Becker asked how many acres this facility could process with Mr. Rice stating 80 to 100 acres and stated they have been processing on a smaller scale. Commissioner Becker asked if the traffic study includes that of the increase in processing, with Mr. Rice stating it was to include the increased data. Commissioner Becker asked about signage being in place, with Mr. Rice stating their insurance requires that they do not put up signage.

At this time, Chairman Arndt opened the matter for public comment at this time. Ms. Kopetzky stated there were several online wishing to speak and Chairman Arndt asked if those individuals who wish to speak in opposition online, to state their name and address for the record who wishes to speak.

At this time, Dan Prascher, who appeared by telephone/zoom, stated his name as Dan Prascher, 5233 South Walden Circle, Centennial, CO 80015 stated he wished to speak in opposition. At this time, he stated he wanted to go back to a few things that Mr. Rice spoke about with one being the concerns about odor. He stated this is one of the issues raised by those who are opposed to the application and can see why Mr. Rice does not feel the odor is an issue, given when they process the hemp; they wear protective suits and mentioned the concern about ethanol. He further spoke about his mother Elaine Prascher, and the fact they have indicated the odor is an issue and stated the property she resides at is one of the property furthest away from the processing, and does contend that the odor is an issue. He also spoke about a fair other numbers of issues shared, stating the biggest issue that was not mentioned, is the fact that Mr. Rice has not complied with the regulations that are set forth by Morgan County, stating that Mr. Rice

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did address this in the beginning of his presentation. He stated in addition, beyond that omission, beyond in missing that regulation, he is also using domestic water for an extended period of time before he asked to stop doing it. He also mentioned the two landowners that have expressed concerns, and out of those two landowners he has only spoken with one, and one of those not being his mother, Elaine Prascher. Mr. Prascher stated that plastic has blown into Mrs. Prascher's field and the issue this creates given it is a field of alfalfa, and the fact that it is not biodegradable, and stated that is what was referenced as trash blowing into adjacent properties. Mr. Prascher stated that Elaine has spoken with Mr. Rice about this and that Elaine has spoken to him about the problems she was experiencing and Mr. Rice seems to address these concerns and other times he does not. Mr. Prascher stated the point of all of this is not to defame Mr. Rice, the purpose of the hearing today is to determine if Mr. Rice should be able to operate this type of industry on his land, but has stated that he has

Mr. Prascher also expressed his concerns regarding the fact that there is the need for a corrected replat, and that this that corrected replat was done because Mr. Rice built his facility across the neighbor's boundary to his land, and then made some kind of agreement with them to replat the land to resolve the issue. Mr. Prascher stated these items demonstrate Mr. Rice's inability, disinterest in following rules, and feels that if the Board agrees to allow him to expand his business, he believes Mr. Rice will again appear in front of the County for items he does not comply with.

Chairman Arndt stated that today we are here only regarding the processing facility, and the growing of hemp is a use by right in the ag zone so the Board is only here to discuss the processing plant, given the growing of hemp is allowable as agricultural as per the constitution, with Ms. Sellars stating that is correct. Ms. Sellars stated that is correct, the application is only for the operation of the processing facility, not the agricultural grow of hemp.

Shelly Griffith, 16841 County Road 26, Brush, CO 80723, spoke in opposition. She spoke in regards to the traffic study and asked if the trucks can also turn around without backing onto County Road R, explaining her concerns. She stated she is glad to see there will be work completed regarding a culvert being in place, and asked what the time frame for bringing the traffic study in compliance. Chairman Arndt noted the Board does have the email and picture that Ms. Griffith provided.

At this time, those appearing in the audience were asked to speak. Elaine Prascher, owner of the property to the east of the proposed site approached the podium and expressed her concerns. She stated she has a medical background and is concerned about the medical affects explaining her background. She stated her concern is that Mr. Rice is dispensing medical chemicals without the proper training and certification, explaining the requirements that are in place to be able to do this. She further spoke about her concern regarding the shortage of water supply in the County, stating it needs to be decided whether or not we are going to plant food or chemicals. She shared concerns about people coming onto her property and stated it is better now than it was and spoke about an individual at one time who was "high" and in her backyard, and the police had to be called.

Robert Pennington, 16415 MCR 28, Brush, CO stated he is in opposition of this application. He spoke about the fact they would have to step up and pay for a special use permit and does not think it is right that he is allowed to go with industrial use given they will be allowed to leave this as agricultural status.

He spoke about the odor and the traffic issue, as well as the property values of those residential homes close to the location of this facility and the fact it will devalue those properties. He spoke about Dave Lebsock having to buy industrial zoned property and stepped up and paid for it, as industrial use, he did not try to convert agricultural land and use it for industrial use. He does not feel it is fair to those who have property in this area, and given the difference in value between ag value and what the value between with and without a hemp facility. He spoke about the Nazarene Church and the fact they want to sell a parcel of land and how that will affect the value. He feels that this is wrong and is infringing upon his fundamental rights.

Jerry Quinn, stating he is one of the landowners within the proximity of this proposed facility, who has expressed concerns. He asked if there is a cap on the amount of hemp oil production Mr. Rice can produce with the proposed facility, and feels they have a large facility and the bigger the business gets the worse the problems will be, mentioning allergies and other concerns he has.

Robert Pennington, Jr., 18410 Acoma Street, Fort Morgan CO spoke stating his concerns about the traffic coming in and out, agreeing with Ms. Griffith's concerns. He expressed his concerns as to how they are going to allow the truck traffic to enter and exit the area. He also spoke about addressing the problems it creates for the residential area, and agrees there needs to be an application for an industrial use rather than agricultural.

Scott Kembel, 17450 Beaver Creek Drive, Brush, CO spoke stating he despises marijuana, THC, and stated that last year they did grow a field of industrial hemp, and did have a difficult time doing that given the stigma. In his own mind, there is a clear cut between the two, believes that industrial hemp used for fiber or CBD oil is not an issue, and stated he does not disagree with any of the comments made today, and spoke further about the field of hemp that he grew last year, and said it was fairly successful, and had partnered with Mr. Rice and stated he has been good, everything he has said has come about. Mr. Kembel stated he is kind of torn in his decision with what Mr. Rice stated he has done, but does have neighbors he respects as well, but stated that Mr. Rice is good as far as his values and his word.

Olivier Magny, 1285 Plum Court, spoke stating he joined the company as the COO about a year ago, provided his background and provided information regarding Mr. Rice, stating he believes Mr. Rice demonstrates professionalism and stated over the past year they have worked tirelessly, and has seen that Mr. Rice wants to do things right, and wants this to be sustainable long term. He stated he sees the potential that this company represents to the County in terms of jobs, and property values. He stated the concerns that have been heard today will be addressed, and that they want to be the provider of good solutions to the issues expressed. In his closing, he stated he has faith in the board and knows they will ultimately do the right thing.

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Becki Madson, 725 Dessa Street, Brush, CO spoke stating she is an employee of Dexter Labs. She provided information as to her background and stated that in choosing to work for Dexter Labs there were several things that drove her to work for this company, one being she can work five minutes from her home, working for a company that lives, breathes quality control and provided a character reference for Mr. Rice, stating he is a hard worker, truly cares about the people, and further spoke about the certifications they have and how they strive to hold their standards at a higher level than is required. She stated that it has been her goal to always be able to help people, and how this keeps her driven and motivated and wants to continue being a part of that. She stated they want to provide relief to their customers, their families, friends, and in conclusion she shared her CBD journey with the Board.

Chairman Arndt allowed Dan Prascher to speak further at this time, with Mr. Prascher making one last comment, specifically in regards to the processing part of this, making the observation regarding DFA, Brush Meat Processors, Leprino Foods, and used the example of Western Sugar, stating the County does not see a lot of new growth around these facilities, and echoed those stated by those others stating it is not going to benefit Morgan County, it will serve agriculture, and one last point, Western Sugar has been there for a long time, and what is being discussed today, given it has been a "blight", it stinks and has for many years. He asked if there is a cap, if it does not smell much now, even though those living there say that it does how much more it will smell if this should grow larger and expressed his concern that he is located right next to residential homes.

At this time, Chairman Arndt closed the public comment portion and asked the applicant if he wished to address the comments made.

Mr. Rice stated that the way the traffic study was written, it was written that the trucks will back onto the property itself and stated there is also room for trucks to turn around on the property itself, explaining how they can do so. He stated if that is the preferred mandate they can make that a standard operating practice. He then addressed both concerns made by Dan and Elaine Prascher. He stated they do not wear Tyvek suits, but they do wear masks explaining why. He did mention the issue about odor and stated that it is stronger during harvest. He further stated that the property of the Prascher's is directly adjacent. As far as skirting regulations and attempt to not comply, his response was "the right to farm policy", he understood that covered what he was doing, and explained why he believed this. He responded about the comment that he has not tried to speak with Elaine about issues and that is not correct, he has attempted to do so. In regards to the plastic that blew onto her property, that occurred three years ago, and explained what did occur and stated he had received a call from Pam Cherry, and they had a crew go into the field and made sure it was satisfactorily removed and in the next two years they did not that type of plastic, this last year they are using plastic, but are pulling it up and removing it so this does not occur again.

In response to the fence placement, he stated this was something that was discussed with Ms. Prascher in detail and wanted to be sure that it was done appropriately stating he did have a number of conversations with Ms. Prascher and as far as he knows it is not causing any problems.

In response to Mr. Quinn's concern about the police having to be called, he stated the only thing he can recall is a situation when he first purchased the property, and the fact that Mr. Quinn was not amenable to a way of how he wanted to handle the situation and Mr. Quinn did call the Sheriff's office and he has resolved this.

As to the corrected plat, or replat, he explained the reasons for that, stating that when he had his property surveyed it turned out that neighboring properties had structures on his property and he granted the opportunity for them to have access and thought it was the right thing to do.

He also responded to the comparison made to Western Sugar, stating he does not believe that is a good comparison, and explained why.

In regards to commercial use in ag zone, he commented in regards to these concerns. He stated he feels there were some opposing arguments given it may discourage residential development, but the fact they want to maintain agricultural land. As far as property value, some people are dissuaded by what they are doing, and some are not. He provided details about information of a property that sold while he has been there and they have no issue with what they are doing.

In response to Mr. Quinn's question about what caps will be in place, indicating that the large building on the property is not taking that much of an area and again stated they will mitigate the truck traffic issue. He stated in conclusion he believes he has addressed the issues and the requirements of this application and asked the Board for its review and approval.

At this time, Chairman Arndt moved into discussion and decision. Chairman Arndt asked Mr. Rice if he allows individuals to come to the facility to purchase the product. Mr. Rice stated they are not open to the public and explained there are a few that do come and purchase the product. Mr. Rice stated the processing facility building size is 54x72, and a small area that comprises an office.

Commissioner Becker asked if his processing facility has some kind of air filtration system in place and what type of system do they have. Mr. Rice stated they do have an air filtration system and explained in detail what that system is. Separate the ag from the processing system, has to be speared as per Becker, and what kind of processing is done with Mr. Rice stated the drying process is done before the processing, with Commissioner Becker asking how much odor comes from the drying process. Mr. Rice stated they do not treat the air when they dry the product, it is dried in the field. Commissioner Becker confirmed that they do have the ability to turn trucks around on the property instead of them backing up from the property with Mr. Rice stating that is the case.

Commissioner Becker asked about the building he put in place and the permitting process, and if he in fact mentioned what he planned to do with the building, with Mr. Rice stating, yes, he did meet with the Planning Department for the building permit and it was noted what he intended to do.

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Commissioner Zwetzig asked the question “is any ag crop production processing a use by right in any zoning?” Ms. Sellars stated not that she was aware of, with Ms. Cherry stating it is her understanding as well. Commissioner Zwetzig stated that all the County’s ag processing facilities are a use by special use review. He further stated that when a person purchases the property, the need is there to apply for use by special use review, that it does not matter what zoning they are going to, with the information that there is no zoning in place for building the business in the appropriate zoning, with Ms. Cherry stating a person would have to file for a special use by right permit at all times.

Commissioner Zwetzig asked Sheriff Martin to speak in regards to the traffic, with Sheriff Martin stating he lives just 6/10 of a mile from Mr. Rice, and has had very interaction with Mr. Rice, only in the capacity of being a fireman, given there was a fire there in the past. Sheriff Martin stated there is a lot of traffic on County Road R, explaining why and does not believe it is safe for trucks to be backing up onto County Road R and would feel it is best if they would turn around on the property. He stated that substantially the speed and the traffic on County Road R, backing up would not be safe. Sheriff Martin stated he has no experience with hemp oil and extraction, but does have experience with hash oil and meth oil, stating those are both very volatile, and explained the requirements for fire suppression and emergency response that is required for those types of extraction.

In response to Commissioner Zwetzig’s question, Sheriff Martin stated the speed limit on County Road R, at the driveway entrance is 50 miles per hour and there is a stop sign going north and south on County Road 26. Commissioner Zwetzig stated it needs to be established the type of roadway that is being used, stating there was a semi that backed up on Highway 34 and the concerns this resulted in, and the fact it is no longer being used in the capacity as it was, with Sheriff Martin explaining the building being discussed and its location.

Commissioner Zwetzig asked Ms. Cherry about the processing facility being compatible and how she makes this statement. She stated based on the information that Mr. Dexter has provided, regarding odors that is part of the right to farm policy, and Commissioner Zwetzig asked if she was satisfied about the trucks backing upon the roadway, with Ms. Cherry stating no, she and Mr. Rice have had conversations regarding this concern.

Further discussion followed with Commissioner Zwetzig asking Mr. Rice about the air filtration and ventilation, with Mr. Rice stating it is for the facility and to protect the employees. Mr. Rice stated the air is filtered several times before it exits the system. Commissioner Zwetzig stated there was discussion about the quality of the air, with Mr. Rice stating additional exhaustion was put in place for the expansion where it would expand up to 100 acres. Commissioner Zwetzig read aloud a previous approval of a hemp facility and how the board approved the permit. Mr. Rice stated at this time, the lab is being proposed to process up to 100 acres and that it could expand to up to more. Commissioner Zwetzig asked Mr. Rice if he would be willing to agree to a certain amount of acres to be processed or a condition on the size of the lab. Commissioner Zwetzig asked Mr. Rice to provide information to the Board as to how many acres he would propose to be processed at his facility, at which time he stated, with any business they are limited to how much they are able to process, but still wanting to be harmonious with the adjacent landowners, so would be amenable to a limitation. Commissioner Zwetzig stated he does not need to have him provide a number at this time, but that will be something that will be considered.

Commissioner Zwetzig asked what the business hours are, with Mr. Rice stating they are currently 9 a.m. to 5 p.m. and agreed that he would be willing to maintain those hours. Commissioner Zwetzig asked about the lighting, with Mr. Rice stating there are lights that do run to keep the plants in the light cycle, and he is running those lights that are doing the best for the surrounding area. Further discussions followed regarding additional greenhouses being built, with Ms. Cherry stating that would require an additional permit and Commissioner Zwetzig stated he would like to see the potential for growth be limited, with Mr. Rice stating the greenhouse is large enough to serve their needs at this time. Mr. Rice stated they do not use the greenhouse for production and explained how the greenhouse is utilized. The plants are grown in containers, with discussion regarding the regulations there may be regarding how the plants are grown.

Commissioner Zwetzig stated he feels it is strange that the County requires a CAFO to have restrictions as to how many feet they are located within a residential area, and the fact that this does not require that same type of restriction. Ms. Cherry stated there is discussions happening that will create requirements for these types of issues, given there are many more of these processing plants being put in place. Commissioner Zwetzig asked about the fact that he does have individuals coming to his location to purchase the product, with Mr. Rice stating that occurs infrequently and that the product is shipped out daily by UPS or FedEx. Commissioner Zwetzig asked how many he will be employing, with Mr. Rice stating there will be five employees, and the wages were then discussed. Mr. Rice stated the wages runs the gambit; it takes a higher salary to attract reliable and trustworthy employees. Commissioner Zwetzig feels it would be good for Mr. Rice to note that the salaries being paid are above the average and this is a good economic benefit to the County.

Commissioner Zwetzig asked about Mr. Quinn asking to limit the size and feels that is advisable with Mr. Rice stating he believes that makes a lot of sense, and agrees with that limitation. Commissioner Zwetzig made comment that the question is whether or not this is the type of facility that should be on this type of land. Ms. Cherry stated that this information is being pursued and that Mr. Rice will bring with him the information he finds.

Discussion followed regarding the title report for the property when he purchased it, Commissioner Zwetzig stated there was a declaration recorded that the use of this property was limited to residential property, and Mr. Rice assumed this was taken out, as it was a covenant in place, with Ms. Sellars stating her recommendation is to continue this matter until a date certain, and ensure that the Board is not issuing a permit that would create an issue in direct violation of the covenants that may be in place.

Commissioner Zwetzig made a motion continue the public hearing with the restriction that they do not want to hear additional public testimony on items that have already been heard and allow for testimony on any additional information that is brought forward regarding the conditions that have been discussed setting those parameters of the conditions that have been mentioned, including ventilation and those items discussed, continuing the hearing to Monday, August 24, 2020 at 9:00 a.m. Commissioner Becker seconded the motion and motion carried 3-0.

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At this time, Chairman Arndt turned the meeting over to Chairman Pro Tem Jon Becker, who at this time, proceeded with the regular meeting bringing forward the following business item. Chairman Arndt excused himself to participate in a telephone call with the Governor and will return to the meeting at a later time.

Proclamation Child Support Awareness Month August 2020

Proclamation Child Support Awareness Month August 2020

WHEREAS, Morgan County recognizes that every child matters and joins the nation in recognizing August as Child Support Awareness Month; and

WHEREAS, child support is a vital source of income for households in Morgan County, many of them low-income families; and,

WHEREAS, strengthening families improves the lives of children by prompting their safety and well-being and provides economic security; and,

WHEREAS, Morgan County applauds the parents who support their children and make child support payments consistently to care for them; and,

WHEREAS, child support professionals are important assets to the county, working in collaboration with parents and other community partners to ensure that children and families receive quality services; and,

WHEREAS, it is important to increase public awareness of the child support program through outreach and education to reinforce the position that all parents must take responsibility for the financial, emotional, and physical support of their children.

Therefore, the Board of Morgan County Commissioners, do hereby proclaim August 2020, Child Support Awareness Month and encourages all citizens of Morgan County to work together to make our children's future stable and bright.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

At this time, Tammy Wick, Department of Human Services employee, presented the proclamation to the Board expressing her appreciation of the Board's time to consider this action. Ms. Wick stated August 14, 2020 will be considered child support day and green will be the color of choice to wear to recognize this special day. The Board of Commissioners wore green today and will plan to wear green on that date as well.

At this time, Commissioner Zwetzig made a motion to approve the proclamation as presented with Chairman Pro Tem Becker seconding the motion. The motion carried 2-0.

ADOPTION OF THE AGENDA

Commissioner Zwetzig made a motion to approve the agenda as presented, with Chairman Pro Tem Becker seconding the motion. Motion carried 2-0.

Morgan County Government Treasurer's Quarterly Report April 2020 through June 2020

Morgan County Treasurer and Public Trustee Robert Sagel presented to the Board the Morgan County Treasurer's Quarterly Report for April 2020 through June 2020 as well as the Public Trustee Quarterly Report. Mr. Sagel provided detailed information to the board and summarized the information provided.

Commissioner Zwetzig made the motion to move the general business items to the end of the agenda, given Chairman Arndt being unavailable until later in the meeting, with Chairman Pro Tem Becker seconding the motion, and motion carried 2-0.

8 COMMISSIONERS PROCEEDINGS

CITIZEN'S COMMENT

At this time, Chairman Pro Tem Becker asked if there were anyone who wished to provide public comment, at which time, Chuck Miller, who appeared by phone, asked if this could be moved to later in the meeting to allow for Chairman Arndt to be able to be present, with both Commissioner Zwetzig and Chairman Pro Tem Becker agreeing to move this item until later.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated July 21, 2020
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 103 Signal Behavioral Health Network, Term of Contract June 1, 2020 through June 30, 2021
3. Ratify the Board of County Commissioners approval of Contract 2020 CNT 104 Field of Opportunity Counseling, Term of Contract June 1, 2020 through May 31, 2021
4. Ratify the Board of County Commissioners approval of Contract 2020 CNT 105 Morgan Family Center, Term of Contract July 1, 2020 through December 31, 2020
5. Ratify the Board of County Commissioners approval of Contract 2020 CNT 106 Shadowing for Safe Study and Relinquishment Counseling, Term of Contract July 1, 2020 through completion
6. Ratify the Board of County Commissioners approval of Contract 2020 CNT 107 Advantage Treatment Centers, Inc., Term of Contract July 1, 2020 through completion
7. Ratify the Board of County Commissioners approval of Contract 2020 CNT 108 Marta Wells of Newstart Therapy, Term of Contract July 1, 2020 through completion
8. Ratify the Board of County Commissioners approval of Contract 2020 CNT 109 Therapy and Visitation Services, Term of Contract June 1, 2020 through completion
9. Ratify the Board of County Commissioners approval of Contract 2020 CNT 110 Power Systems West, Term of Contract July 1, 2020 through June 30, 2021
10. Ratify Commissioner Mark Arndt's signature on July 16, 2020 Stormwater Inspection Form signed July 20, 2020
11. Ratify Commissioner Mark Arndt's signature on Midwest Card and ID Solutions Maintenance Agreement signed July 15, 2020

Commissioner Zwetzig made a motion to approve items 1-11 as presented, with Chairman Pro Tem Becker seconding the motion and the motion carried 2-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval –BID TABULATION - RFP 2020-0716-001 Property Tax Notices

Morgan County Treasurer, Bob Sagel presented to the Board for approval Bid Award RFP 2020-0716-001 Property Tax Notices. Mr. Sagel stated he received four bids from South Data, Inc. in the total amount of \$2,040.00, from RR Donnelley in the total amount of \$19,460.25, from The Master's Touch, LLC. in the total amount of \$1,190.00 and from Peregrine Services, Inc. in the total amount of \$1,316.00. Mr. Sagel summarized each bid in detail. Mr. Sagel stated he has used The Master's Touch and Peregrine over the last ten years with no issues with either company.

At this time, Mr. Sagel recommended that the Board award bid RFP 2020-0716-001 be awarded to The Master's Touch, LLC with the total bid price \$1,190.00, estimated amount being \$6,019.00.

Commissioner Zwetzig asked if there could be the option to request a tax notice by email, with Mr. Sagel explaining that option is already available.

Commissioner Zwetzig made a motion to approve bid award RFP 2020-0716-001 Property Tax Notices to The Master's Touch, LLC as recommended by Morgan County Treasurer Bob Sagel in the estimated amount of \$6,019.00. Chairman Pro Tem Becker seconded the motion. At this time, the motion carried 2-0.

Consideration of Approval –BID TABULATION - RFP 2020-0716-002 Steel H Pile

Morgan County Public Works Director, Bruce Bass presented to the Board for approval Bid Award RFP 2020-0716-002 Steel H Pile. Mr. Bass stated he received six bids from T & T Materials, Inc. in the total amount of \$23,221.80, from Constructors International Inc. in the total amount of \$25,650.00, from Triad Metals International in the total amount of \$20,873.40, Holzberg Communications, Inc. in the total amount of \$23,814.60, Skyline Steel in the total amount of \$21,147.00 and from Technology International Inc. in the total amount of \$23,985.60. Mr. Bass summarized each bid in detail stating this was a budgeted item for bridges in 2020.

At this time, Mr. Bass recommended that the Board award bid RFP 2020-0716-002 be awarded to Triad Metals International total bid price \$20,873.40 noting this will be a new vendor to Morgan County, therefore, the need to process as a new vendor.

Commissioner Zwetzig made a motion to approve bid award RFP 2020-0716-002 to Triad Metals International as recommended by Morgan County Public Works Director, Bruce Bass in amount of \$20,873.40. Chairman Pro Tem Becker seconded the motion. At this time, the motion carried 2-0.

UNFINISHED BUSINESS

There was no unfinished business.

COMMISSIONERS PROCEEDINGS 9

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Public Works Director Bruce Bass provided the weekly road report ending July 24, 2020.

At this time, Chairman Arndt returned to the meeting and Chairman Pro Tem Becker turned the meeting back over to Chairman Arndt.

At this time, the Board reviewed the weekly calendar noting there are no changes at this time.

County Clerk Susan Bailey stated the Motor Vehicle Department is currently not able to process transactions given there is no internet connection.

Information Systems Manager Karol Kopetzky provided an update regarding the upcoming County Fair explaining some of the changes that are being made to comply with social distancing measures and where the information is located on the County's website.

Chairman Arndt then moved back to the Citizen's Comment Period allowing Mr. Miller to speak. At this time, Chuck Miller, 26060 County Road S, Brush, CO spoke regarding his concerns regarding the current economic situation speaking specifically about two appointments that the Governor recently made and his concerns as to the effect it will be to the County's agricultural and economic base. He then asked where the Commissioners are regarding coordination, thanked the Board for its time, and complimented the Commissioners what they have been dealing with in the last five months, and feels things can be done at the local officials and get the surrounding counties to come together and things will grow.

Chairman Arndt thanked Mr. Miller and his son, Bryson for their efforts and assistance in keeping the fair sale progressing forward and ideas and suggestions have been greatly appreciated. Chairman Arndt stated he did participate in a call with the Governor and stated the Governor is listening to our senators and understands that eastern rural Colorado needs to have representation.

Chairman Arndt asked if there was any further business to bring before the Board, and upon hearing none, the meeting was adjourned at 12:06 p.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board
(Minutes ratified August 11, 2020)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey