

**AGENDA**  
**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS**  
**ASSEMBLY ROOM, ADMINISTRATION BUILDING**  
**231 ENSIGN STREET, FORT MORGAN, CO 80701**  
**TUESDAY, OCTOBER 27, 2020**

**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

9:00 A.M.

**A. WELCOME – CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Commissioner Arndt  
Commissioner Becker  
Commissioner Zwetzig

**B. CITIZEN'S COMMENT PERIOD**

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3 minute time limit per person, unless otherwise noted by the Chairman. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on future posted agenda if action is required.

**C. ADOPTION OF THE AGENDA**

\*Any meeting or event scheduled to be held at the Commissioners' Offices (218 West Kiowa Avenue, Fort Morgan, CO) will be relocated to a site with handicapped access upon request. For special assistance for the Morgan County Board of Commissioners meeting, please notify us at least 48 hours before the scheduled agenda item. Please call (970)542-3500, extension 1410, to request accommodations for any of the two locations.

Prepared By: Karla Powell, Administrative Services Manager  
Agenda Posted On Thursday October 22, 2020 @ 2:00 P.M.

## D. CONSENT AGENDA

All matters under the consent agenda are considered to be routine by the Board of County Commissioners and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, any Board member may ask that the item be removed from the Consent Agenda and considered separately:

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

## E. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

1. Consideration of Approval – **Bid Tabulations** – RFP 2020-1014-001 Conventional Truck Tractor (Bruce Bass, Public Works Director)
2. Consideration of Approval – **Bid Tabulations** – RFP 2020-1014-002 Bottom Dump Trailer (Bruce Bass, Public Works Director)
3. Consideration of Approval – **Bid Tabulations** – RFP 2020-0903-001 Inmate Medical and Mental Health (David Martin, Morgan County Sheriff)
4. 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,

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Section 26, T3n, R 58w Of The 6th Pm, Morgan County, Aka 16098 County Rd O, Fort Morgan, Co 80701 (Pam Cherry, Planning and Zoning Administrator)

**F. UNFINISHED BUSINESS**

**G. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

1. Commissioners Calendar for week of October 23, 2020 through November 3, 2020
2. Road Report

**H. ADJOURNMENT**

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Agenda Posted On Thursday October 22, 2020 @ 2:00 P.M.

**2020-1014-001 Conventional Truck Tractor  
Bid Tabulation**

NO	Vendor	Year	Truck Make	Truck Model	Bid Price for Unit w/o Wetkit & Pinnable 5th Wheel	Bid Price for Unit with Wet kit & Pinnable 5th Wheel	Total Bid Two Units	Estimated Delivery	Exceptions to Bid
1	Transwest Truck Trailer RV	2022	Freightliner	122SD	113,685.00	120,435.00	234,120.00	90-120 Days	Either Starting Aide, RH Lower Door Window and Mirror Mounted Turn Signals Not Available. If order is placed in time to meet 2021 order cutoff then \$750.00 per truck may be deducted.
2	MHC Kenworth of Greeley	2021	Kenworth	W900	125,300.00	135,924.00	261,224.00	Build Date in January 2021	Paccar 160 Amp alternator, steel air discharge line, Horton 2 speed fan hub, Dyna Craft Coolant Lines, Change in Transmission Model Number, Change in Frame Dimensions, and 75 gallon RH fuel tank in lieu of 100 gallon.

\*Note MHC Kenworth Bid had an Addition Error on Total Bid of Both Units Price. Bid Stated \$271,848.00

\*\*Recommend awarding bid to low bidder. Transwest Truck Trailer RV for a total bid award of \$234,120.00 for the two units.

**2020-1014-002 Bottom Dump Trailer  
Bid Tabulation**

<b>NO</b>	<b>Vendor</b>	<b>Trailer Make</b>	<b>Trailer Model</b>	<b>Bid Price</b>	<b>Estimated Delivery</b>	<b>Exceptions to Bid</b>
1	Utility Trailer Sales of Colorado, Brighton	Manic/CPS	LWBD	33,835.00	90-120 Days	109" Height not including side boards, no rubber bushings in fifth wheel not necessary with design.
2	Utility Trailer Sales of Colorado, Brighton	Ranco	BD-40	40,400.00	60-90 Days	112" Height not including side boards, no side gate seals necessary with design.
3	Bruckner Truck Sales Inc., Commerce City	Construction Trailer Specialists	Pack Mule	39,955.00	5-7 Weeks	None Identified
4	Transwest Truck Trailer RV, Brighton	Trail King	TKBD22-40	48,015.00	120 Days	None Identified
5	All Colorado Semi Trailers, Denver	Midland	TC-2000	42,350.00	7-8 Weeks	None Identified

Morgan County has experience with each of the three lowest bid models, the Manic, the Pack Mule and the Ranco all are currently in our Fleet. Of the three, we have had the least amount of downtime issues with the Ranco for our application. Because of our experience with the reliability of the Ranco is our recommendaion to purchase the Ranco BD40 from Utility Trailer Sales of Colorado for the purchase price of 40,400.00.

\*\*Note that Utility Tarailer Sales also provided the low bid on the Manic/CPS



**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;

**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.*

### **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, *nunc pro tunc* 15th day of October 2020.

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

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Mark A. Arndt, Chair

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Jon J. Becker, Commissioner

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James P. Zwetzig, Commissioner

**ATTEST:**

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Susan Bailey, Clerk to the Board

## COMMISSIONERS CALENDAR

October 23 2020 through November 3, 2020

October 23, 2020	8:30 a.m. 9:00 a.m.	KSIR Radio Interview (Becker) CDOT/STAC (Becker)
October 26, 2020	9:30 a.m. 12:00 p.m. 1:30 p.m.	DHS Agency Meeting Brush Stakeholders Meeting Office Meeting
October 27, 2020	9:00 a.m.  10:30 a.m.	Board of County Commissioners Meeting (Assembly Room) (Please check <a href="https://morgancounty.colorado.gov/">https://morgancounty.colorado.gov/</a> for meeting options.) Human Resources Department Meeting
October 28, 2020	6:30 a.m. 1:00 p.m.	MCEDC Board Meeting (Zwetzig) NCHD Board Meeting (Becker)
October 29, 2020		
October 30, 2020		
November 2, 2020	10:30 a.m. 11:30 a.m. 12:30 p.m.	Office Meeting Building Maintenance Department Meeting Human Resources Department Meeting
November 3, 2020	9:00 a.m. 10:00 a.m. 11:00 a.m. 1:30 p.m.	Election Day - No Board of County Commissioners Meeting Finance Department Meeting Sheriff's Office Department Meeting Emergency Management Department Meeting Planning and Zoning Department Meeting

*Unless otherwise noted, all meetings with department heads and other non-BOCC elected officials listed above may include an update on the status of the department, a general discussion of projects, any matters or concerns that the County needs to address, and activities and operations of the department.*

***Department meetings may be by conference call or virtual meeting upon request.***

CALENDAR SUBJECT TO CHANGE DUE TO AGREEABLE CANCELLATIONS AND/OR WALK IN BUSINESS

**\*\*All meetings are held in the Commissioner's Office located at 218 West Kiowa Avenue, Fort Morgan unless otherwise noted**

Posted 10/22/2020 @ 2:00 P.M. by Karla Powell, Administrative Services Manager

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