

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting December 17, 2019

The Board of Morgan County Commissioners met Tuesday, December 17, 2019 at 9:08 a.m. with Chairman James Zwetzig, Commissioner Mark Arndt and Commissioner Jon Becker in attendance.

CITIZEN'S COMMENT

There was no citizen comment provided.

ADOPTION OF THE AGENDA

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

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of Contract 2019 CNT 148, United Tower Service, Term of Contract December 11, 2019 through completion
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 008 Wagner Equipment Company, Term of Contract January 1, 2020 through December 31, 2020
3. Ratify the Board of County Commissioners approval of Contract 2020 CNT 009 Wolf Waste, Term of Contract January 1, 2020 through December 31, 2020
4. Ratify the Board of County Commissioners approval of the Fairground Fee Waiver Request for District 14 FFA signed December 11, 2019
5. Ratify Chairman Jim Zwetzig's signature on 2020 Voting Proxies for CCI, signed December 16, 2019
6. Ratify Chairman, Commissioner Jim Zwetzig's signature on Colorado Department of Public Health and Environment Reimbursement Invoice Form signed December 11, 2019
7. Ratify Chairman, Commissioner Jim Zwetzig's signature on the Correctional Healthcare Companies LLC, Acceptance of Proposal of Increase of Compensation for Calendar Year 2020, Signed December 16, 2019
8. Ratify Chairman, Commissioner Jim Zwetzig's signature on District Court, Morgan County, Colorado Unopposed Motion for Exclusion from Simplified Procedure Under Rule 16.1, signed December 6, 2019

Commissioner Becker made a motion to approve items 1-8 as presented, Commissioner Arndt seconded the motion. At this time the motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Memorandum of Understanding between Morgan Community College and Morgan County Government

Morgan County Human Resources Director, Tracy Amen, presented to the Board a Memorandum of Understanding between Morgan Community College and Morgan County Government. Ms. Amen stated that this will be for an intern that will work 20 hours a week, 10 hours with the maintenance department and 10 hours with the fleet department, it is a paid internship and they will be paid \$12.00 an hour and the MOU will expire in June 2020. Commissioner Arndt asked if the workers compensation is with Morgan Community College, with Ms. Amen stating she will look further into that, she believes it may be Morgan County since it is a paid internship. Chairman Zwetzig asked if the intern will get college credits, with Ms. Amen stating yes and it is a requirement for college graduation. Ms. Amen explained that the intern will need to do the pre-employment physical and drug screen as required by Morgan County and that both supervisors will have to report back to the college on the progress of the intern's internship, while working with Morgan County.

Commissioner Arndt made a motion to approve the Memorandum of Understanding between Morgan Community College and Morgan County Government as presented by Morgan County Human Resources Director, Tracy Amen, with Commissioner Becker seconding the motion. At this time, the motion carried 3-0.

Consideration of Approval – January 1, 2020 Employee Reimbursement Schedule

Morgan County Human Resources Director, Tracy Amen, presented to the Board for approval, Employee Reimbursement Schedule, effective January 1, 2020. Ms. Amen stated that each year they go over information received from General Service Administration of the Federal Government. Ms. Amen explained that the amount for breakfast went from \$11.00 to \$13.00, lunch amount went from \$12.00 to \$14.00 and the dinner amount remains the same at \$23.00, these are the amounts in the non-high cost areas in Colorado. Ms. Amen stated that the rates in the high cost areas did not adjust from 2019 to 2020.

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Commissioner Becker made a motion to approve Employee Reimbursement Schedule as presented by Morgan County Human Resources Director, Tracy Amen, and authorized the Chair to sign. Chairman Arndt seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – BID AWARD – RFP 2019-1212-001 Stationery

Morgan County Administrative Services Manager Karla Powell presented to the Board for approval, the RFP 2019-1212-001 Stationery. Ms. Powell stated that they received three bids, a bid from Frederick Printing in the amount of \$42,100.00, Centennial Printing in the amount of \$41,856.00, and Impressions by Bird in the amount of \$30,125.00. The contract will be from January 1, 2020 through December 31, 2020. At this time, Ms. Powell recommended the bid be awarded to Impressions by Bird in the amount of \$30,125.00, the local vendor. Ms. Powell explained that this is the same vendor as the previous year and that there was a small price increase.

Commissioner Arndt made the motion to approve award the RFP 2019-1212-001 Stationery to Impressions by Bird in the amount of \$30,125.00. Commissioner Becker seconded the motion and motion carried 3-0.

Consideration of Approval – BID AWARD – RFP 2019-1212-002 Jackson Lake Water (1) Share

Morgan County Administrative Services Manager Karla Powell presented to the Board for approval, the RFP 2019-1212-002 Jackson Lake Water (1) Share as a lease. Ms. Powell stated that they received only one bid from Fort Morgan Water Company, Ltd in the amount of \$500.00. The contract will be from January 1, 2020 through December 31, 2020. Ms. Powell stated Fort Morgan Water Company, Ltd. has leased this share in the past for the same amount. At this time, Ms. Powell recommended the bid be awarded to Fort Morgan Water Company, Ltd in the amount of \$500.00. Commissioner Arndt questioned the contract date on the bid award sheet it states January 1, 2020 to December 31, 2021; with Ms. Powell stating the date of December 31, 2021 is incorrect it should be December 31, 2020.

Commissioner Becker made the motion to approve award the RFP 2019-1212-002 Jackson Lake Water (1) Share Bid Award in the amount of \$500.00, noting the correction for the term dates of January 1, 2020 through December 31, 2020 to Fort Morgan Water Company, Ltd as recommended by Morgan County Administrative Services Manager Karla Powell. Commissioner Arndt seconded the motion and motion carried 3-0.

Consideration of Approval – RESOLUTION 2019 BCC 18 - A Resolution Granting Jared And Jamie Bodine A Use By Special Review For Establishment Of A Shop And Business Equipment Storage Located In The E1/2 Of Section 6, Township 2 North, Range 60 West Of The 6th P.M., Morgan County, Colorado

RESOLUTION 2019 BCC 18

A RESOLUTION GRANTING A USE BY SPECIAL REVIEW FOR ESTABLISHMENT OF A SHOP AND BUSINESS EQUIPMENT STORAGE LOCATED IN THE E1/2 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 60 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Jared and Jamie Bodine (the “Owners”) have applied for special use permit to allow a shop and equipment storage related to their business Roadway Safety Solutions located in the E ½ of Section 6, Township 2 North, Range 60 West of the 6th P.M., Morgan County, and addressed as 7550 County Road 8, Wiggins, Colorado (the “Property”);

WHEREAS, on July 8, 2019, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be approved with certain conditions;

WHEREAS, on August 8, 2019, the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application;

WHEREAS, notice of the public hearing before the Board of County Commissioners was properly published and the notice was properly posted at the Property;

WHEREAS, during the public hearing the Board of County Commissioners received testimony and evidence from staff, the Applicant 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.

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

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

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- a. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan by encouraging the preservation of agricultural production land to ensure continuation of this important 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 by requiring setbacks from adjoining properties.
 - e. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County by establishing adequate setbacks from adjoining properties.
 - f. The use does not pose risk to public health, safety and welfare as set by federal, state or county regulations.
 - e. The proposed amendment is located on a conforming parcel.
 - f. The public need for the project has been demonstrated with the growth that Roadway Safety Solutions has experienced, 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.
 - g. A water supply is not necessary for the workshop and equipment storage use.
2. The Application is hereby granted, subject to the conditions set forth herein:
- a. There shall be 100 feet setbacks on the east and west sides of the southern 20 acre portion of the permitted area.
 - b. Operation and/or charging of all equipment shall be limited to hours between 6 a.m. – 9 p.m.
 - c. The workshop and equipment storage shall be limited to the twenty-five acres designated on the map.
 - d. Any increase in the area needed for the workshop and equipment storage will require an amendment to this permit.
 - e. Equipment stored shall be used in the operation of Roadway Safety Solutions business.
 - f. Owner shall submit a survey as required under Sec. 2-480 of the Morgan County Zoning Regulations, which shall conform with Section 8-180 of the Morgan County Subdivision Regulations. Applicant, as required, within four months from the date of this approval.
3. 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.
- 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, the Colorado Department of Agriculture, and the United States Environmental Protection Agency.
4. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Owner, which are incorporated into this Resolution.
 5. This Owner shall comply 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.
 6. This Resolution shall constitute the special use permit (hereinafter referred to as this “Resolution” or the “Permit”).

DATED this 17th day of December, 2019 *nunc pro tunc August 8, 2019.*

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

s/James P. Zwetzig

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James P. Zwetzig, Chairman

s/Mark A. Arndt

Mark A. Arndt, Commissioner

s/Jon J. Becker

Jon J. Becker, Commissioner

(SEAL)

ATTEST:

s/Susan L. Bailey

Susan L. Bailey

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2019 BCC 18, a Resolution Granting Jared and Jamie Bodine a Use By Special Review For Establishment of a Shop and Business Equipment Storage located in the E1/2 Of Section 6, Township 2 North, Range 60 West Of The 6th P.M., Morgan County, Colorado. Ms. Cherry stated on August 2, 2019 the County Commissioners held a public hearing and approved of a Use by Special Review on property owned by Jared and Jamie Bodine, Roadway Safety Systems, for a shop and business equipment storage. This resolution reflects the outcome of that public hearing. Commissioner Arndt asked if all the conditions have been met, with Ms. Cherry stating yes the conditions have been met. Commissioner Becker asked if the corner posts are there, with Ms. Cherry stating that the posts are there.

Commissioner Arndt made the motion to approve Resolution 2019 BCC 18 a Resolution Granting Jared And Jamie Bodine A Use By Special Review For Establishment Of A Shop And Business Equipment Storage Located In The E1/2 Of Section 6, Township 2 North, Range 60 West Of The 6th P.M., Morgan County, Colorado, noting that the Planning Administrator stated that all conditions have been met, for Jamie and Jared Bodine as the owners, 7550 County Road 8 Wiggins Colorado , also noting it is being signed nunc pro tunc for July 30th, 2019 with Ms. Cherry correcting the date to August 2, 2019. Chairman Zwetzig questioned whether or not the date of the hearing was August 2, 2019, with Ms. Cherry stating she believed it was correct. Further discussion continued as to the date and it will be looked into further to be sure that the correct date is on the resolution. Commissioner Arndt made another motion due to the first motion lacking a seconded, a motion to approve Resolution 2019 BCC 18 as stated with the date being August 2nd, 2019 for the hearing and asked for the Resolution to be corrected, also noting it is being signed nunc pro tunc August 2nd, 2019. Commissioner Becker seconded the motion. Chairman Zwetzig asked for the date of the hearing to be looked into further. Commissioner Becker stated he understands that it is nunc pro tunc, but when the applicants were in the hearing the applicant many times stated that nothing that they were doing was in retaliation to what was going on so the application was approved, but he believes that once the application was approved the issues still continued and he stated he never would have approved this application if he would have known that information at that time. Chairman Zwetzig stated that there was no one in attendance to object to the special use of the commercial use there were other concerns brought forward. At this time, the motion carried 3-0.

Consideration of Approval – RESOLUTION 2019 BCC 32 - A Resolution Granting Cargill Meat Solutions Corporation An Amendment To A Use By Special Review Permit, By Amending And Incorporating Resolutions 1995 Bcc 13, 1995 Bcc 33, 1999 Bcc 67 And 2017 Bcc 35, For The Construction Of A Third Anaerobic Lagoon On Property Located in the NE ¼ SE ¼ AND E½ NE¼, in Section 8, T3N, R57W of the 6th P.M., Morgan County, Colorado

RESOLUTION 2019 BCC 32

A RESOLUTION GRANTING CARGILL MEAT SOLUTIONS CORPORATION AN AMENDMENT TO A USE BY SPECIAL REVIEW PERMIT, BY AMENDING AND INCORPORATING RESOLUTIONS 1995 BCC 13, 1995 BCC 33, 1999 BCC 67 AND 2017 BCC 35, FOR THE CONSTRUCTION OF A THIRD ANAEROBIC LAGOON ON PROPERTY LOCATED IN THE NE ¼ SE ¼ AND E½ NE¼, IN SECTION 8, T3N, R57W OF THE 6th P.M., MORGAN COUNTY, COLORADO

WHEREAS, Cargill Meat Solutions Corporation (the “Owner”) owns property located in the NE¼ SE¼ and E½ NE¼ of Section 8, Township 3 North, Range 57 West of the 6th P.M., Morgan County, located in the Light Industrial Zone District (the “Property”);

WHEREAS, on June 12, 1995, the Board of County Commissioners of Morgan County (“BOCC”) conditionally approved an use of special review permit for a wastewater treatment plant located on the Property through Resolution 1995 BCC 13;

WHEREAS, the use by special review permit approved in 1995 BCC 13 included three sequencing batch reactors, two anaerobic lagoons, and two brine ponds, referred to as the north and south brine ponds;

WHEREAS, on October 16, 1995, the BOCC approved Resolution 1995 BCC 33 which amended 1995 BCC 13 to require the discontinuation of the south brine pond and to restrict the use of the north brine pond;

WHEREAS, on December 21, 1999, the BOCC approved Resolution 1999 BCC 67 which further amended 1995 BCC 33 to allow for the use of both the south and north brine ponds for brine storage only, provided

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only one pond is used at a time and permitting the construction of a disinfection system and a five day holding pond;

WHEREAS, on September 8, 2015, the BOCC approved Resolution 2015 BCC 27, recorded at reception number 895575 in the records of the Morgan County Clerk and Recorder, conditionally approving a separate use by special review permit for a brine waste water lagoon on property described as the N ½ of Section 8, Township 3 North, Range 57 West of the 6th P.M., and which is adjacent to the Property;

WHEREAS, on September 19, 2017, the BOCC approved Resolution 2017 BCC 35, recorded at reception number 907952 in the records of the Morgan County Clerk and Recorder, ratifying its decision of September 5, 2017 and approving a new fourth sequencing batch reactor on the Property; however, 2017 BCC 35 did not represent that it was an amendment to previous resolutions related to the Property;

WHEREAS, Felimon Castenada (the “Applicant”), on behalf of the Owner, filed an application for an amendment to the use by special review (“Application”), approved by Resolution 2017 BCC 35, pursuant to Section 3-345(E) of the Morgan County Zoning Regulations to add a third anaerobic lagoon on the Property to be used in conjunction with an existing meat packing facility located on an adjacent property within the City of Fort Morgan and the wastewater treatment facility and its appurtenances approved in Resolutions 1995 BCC 13, 1995 BCC 35, and 1999 BCC 67;

WHEREAS, on September 16, 2019, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be approved;

WHEREAS, on October 8, 2019, the Board of County Commissioners held a duly noticed public hearing to consider the Application;

WHEREAS, during the public hearing, the Board of County Commissioners received testimony and evidence from staff, the Applicant 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.

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

7. APPROVAL.

- a. The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the amended special use permit (hereinafter referred to as this “Resolution” or the “Permit”).
- b. This Resolution shall supersede and replace Resolutions 1995 BCC 13, 1995 BCC 33, 1999 BCC 67 and 2017 BCC 35. Resolution 2015 BCC 27 shall remain in effect and is not amended or superseded by this Resolution.

8. FINDING OF FACT.

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

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

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- e. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography. The Property is on a forty-nine (49) acre parcel which provides buffering from adjacent uses. The use is on property which is adjacent to other properties used in the Owner's operations.
- f. The special use poses only the minimum amount of risk to the public health, safety and welfare.
- g. The special use proposed is not 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 adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

9. CONDITIONS.

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

- a. The Owner 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.
- b. The anaerobic ponds 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 by the Colorado Department of Public Health and Environment and be operated in compliance with the regulations promulgated by Colorado Department of Public Health and Environment.
- c. The Owner shall comply with the engineered plans as submitted and accepted by Morgan County and the Colorado Department of Public Health and Environment.

10. GENERAL PROVISIONS.

- a. The following conditions, previously imposed by Resolutions 1995 BCC 13, 1995 BCC 33, 1999 BCC 67 and 2017 BCC 35, remain in effect:
 - i. The facility shall be screened with fencing, berms, trees, shrubs, and other landscaping of sufficient size and quality to form a visual barrier along the West side of the Property. This landscaping shall be maintained and kept in good condition.
 - ii. The facility shall be set back from the property lines on the West side approximately 175 feet.
 - iii. The facility shall have an operator available at all times with a Class A Operator's License issued by the State of Colorado.
 - iv. All methane and biogas shall be produced and used only as described in the materials submitted to the County as part of the approval process for this special use permit. Flaring of such gas may be used only as a backup for operational uses and shall not be used regularly.
 - v. All storm water must be contained on site or discharged pursuant to County approved drainage plan.
 - vi. 1.8 millions gallons per day is the maximum allowable capacity of the facility under this permit. Any expansion of the facility will require an amendment to permit, approved by the Board of County Commissioners.
 - vii. Any breaches in the cover or liner of the anaerobic lagoons must have repairs commenced within 24 hours of the breach. In the event of any breach in the cover or liner or the anaerobic lagoons, the Owner must notify the County no later than the first four hours of the next business day.
 - viii. The north and south brine ponds may only be used for brine storage, provided that only one pond is used at a time. Any liquid in the other pond shall be allowed to evaporate. These ponds shall be used only for brine and no other effluent, waste, or any other material other than brine shall be discharged into either of the ponds. The date of switch from one brine pond to another shall be included in regular quarterly salinity reports to the Morgan County Planning and Zoning Department prior to the switch.

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- ix. A lined effluent five day holding pond shall be used only for discharge from the sequencing batch reactors and shall contain odorless, treated effluent only. Any effluent held in this holding pond shall be aerated in the holding pond during the time that it is held. Any time effluent is discharged from the sequencing batch reactors to this holding pond, notice must be made to the County during the first four hours of the next business day. Any noxious or offensive odors emanating from this pond or any other facility shall be immediately mitigated to acceptable conditions by the Owner.
 - x. The sequencing batch reactors 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.
 - xi. The Owner shall rigorously follow the engineered plans as submitted and accepted by Morgan County and the Colorado Department of Public Health and Environment.
- b. 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.
 - c. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Applicant, which are incorporated into this Resolution.
 - d. The 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 17th day of December, 2019, *nunc pro tunc* October 8, 2019.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2019 BCC 32, a Resolution Granting Cargill Meat Solutions Corporation An Amendment To A Use By Special Review Permit, By Amending And Incorporating Resolutions 1995 Bcc 13, 1995 Bcc 33, 1999 Bcc 67 And 2017 Bcc 35, For The Construction Of A Third Anaerobic Lagoon On Property Located in the NE ¼ SE ¼ AND E½ NE¼, in Section 8, T3N, R57W of the 6th P.M., Morgan County, Colorado. Ms. Cherry stated on October 8, 2019 the County Commissioners held a public hearing and approved a Use by Special Review for Cargill Meat Solutions to permit the construction of a third anaerobic lagoon. Resolution 2019 BCC 32 reflects the outcome of that public hearing.

Commissioner Becker made the motion to approve Resolution 2019 BCC 32 a Resolution Granting Cargill Meat Solutions Corporation An Amendment To A Use By Special Review Permit, By Amending And Incorporating Resolutions 1995 Bcc 13, 1995 Bcc 33, 1999 Bcc 67 And 2017 Bcc 35, For The Construction Of A Third Anaerobic Lagoon On Property Located in the NE ¼ SE ¼ AND E½ NE¼, in Section 8, T3N, R57W of the 6th P.M., Morgan County, Colorado, as outlined by Morgan County Planning and Zoning Planning Administrator, Pam Cherry and approved on October 8, 2019. Chairman Zwetzig seconded the motion. Commissioner Arndt stated that he believes all the amendments are correct. At this time, the motion carried 3-0.

Consideration of Approval – RESOLUTION 2019 BCC 36 - A Resolution Supporting The Designation Of The Ports-To-Plains And A Portion Of The Heartland Expressway Corridors As A Future Interstate In Colorado

Morgan County Commissioner Jon Becker, presented to the Board Resolution 2019 BCC 36, a Resolution Supporting The Designation Of The Ports-To-Plains And A Portion Of The Heartland Expressway Corridors As A

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Future Interstate In Colorado. Commissioner Becker noting that the County has been working on this for awhile to figure out the funding and wanted to be sure that the funding is being used correctly. Approving the funds will not hurt any other state funds for any projects. The State and CDOT feel this is an important project and moving traffic off of I-25 will bring traffic through the Eastern Plains which is important for economic development.

Commissioner Becker made the motion to approve Resolution 2019 BCC 36 a Resolution Supporting The Designation Of The Ports-To-Plains And A Portion Of The Heartland Expressway Corridors As A Future Interstate In Colorado. Commissioner Arndt seconded the motion.

Chuck Miller, 26060 Morgan County Road S Brush, Colorado and property owner of 17906 Morgan County Road 29, he has reviewed the resolution and would like to point out a few topics and presented his questions and concerns. Commissioner Becker went over the concerns and answered Mr. Miller's questions. Mr. Miller asked what the reason signing for the resolution is, with Mr. Becker explaining that making sure Morgan County is growing and to have something that is bringing economic growth forward, it is still in a study stage but showing support into something that can increase economic development to Morgan County is important. Mr. Miller strongly suggests that the Board adds coordination to the resolution and require the State to coordinate because that is the only process that gives the County a seat at the table and the decision making power. Mr. Miller stated he is not opposing this he just wants his points to be on record and wants the resolution to include coordination. Commissioner Becker asked the fellow Commissioners if they would like to add a clause that states there is coordination with Morgan County on the project. Further discussion entailed for the wording of the coordination verbiage for the resolution.

Commissioner Becker amended his motion stating to approve the Resolution 2019 BCC 36 subject to proper coordination language being inserted into the resolution, with Commissioner Arndt stating he would need to have it brought back to see the proper verbiage prior to approval, with Commissioner Becker withdrawing his motion.

At this time, Commissioner Becker made a motion to table 2019 BCC 36 until they have the appropriate language with Commissioner Arndt seconding the motion, motioned carried 3-0.

Consideration of Approval – RESOLUTION 2019 BCC 37 - A Resolution Granting Four X Ranch, Inc. A Special Use Permit For A Livestock Confinement Facility On The Property Located In The N ½ Ne ¼, Section 15, Township 4 North, Range 57 West Of The 6th P.M., Morgan County, Colorado

RESOLUTION 2019 BCC 37

A RESOLUTION GRANTING FOUR X RANCH, INC. A SPECIAL USE PERMIT FOR A LIVESTOCK CONFINEMENT FACILITY ON THE PROPERTY LOCATED IN THE N ½ NE ¼, SECTION 15, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, Four X Ranch, Inc., (the "Owner") owns property located in the N ½ NE ¼ Section 15, Township 4 North, Range 57 West of the 6th P.M, Morgan County, with an address 21699 County Road 22 ("Property");

WHEREAS, Cody Millar (the "Applicant") has applied for a special use permit for a livestock confinement facility (the "Application") to be located on the Property;

WHEREAS, on November 12, 2019, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be approved;

WHEREAS, on December 10, 2019, the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application;

WHEREAS, notice of the public hearing before the Board of County Commissioners was properly published and the notice was properly posted at the Property;

WHEREAS, during the public hearing the Board of County Commissioners received testimony and evidence from staff, the Applicant 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.

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

11. APPROVAL.

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the special use permit (hereinafter referred to as this "Resolution" or the "Permit").

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12. FINDINGS OF FACT.

Subject to the 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:
 - i. The project will broaden the 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 them to continue while not restricting private property rights.
- b. The application is complete and presents a clear picture of how the use is to be arranged on the site.
- c. The site conforms to the district design standards of the Morgan County Zoning Regulations. A variance from the required 1320 foot setback from an applicable structure, pursuant to 4-200 of the Morgan County Zoning Regulations, on the property owned by Robert and Karla Delandsher and with an address of 21967 County Road W, Fort Morgan, Colorado 80701, has been approved by the County Board of Adjustment on October 21, 2019. The confinement facility is located more than 15 feet from County Roads W and 22.
- d. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures. There is existing vegetation that will be removed from the corral area. The remainder of the property's vegetation will remain in place. The state requirement for retention from the pen area has been met with a 25-year storm retention pond.
- e. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography.
- f. This special use poses only the minimum amount of risk to the public health, safety and welfare, subject to the conditions below.
- g. The special use will not be located on a nonconforming parcel of land.
- h. The Applicant has adequately documented a public need for the project in the form of increased economic development. The Applicant 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.
- i. The Applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability.

13. CONDITIONS.

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

- a. Resolution 2000 BCC 58, a Resolution of the Board of County Commissioners, dated December 30, 1985, and a Resolution of the Board of County Commissioners, dated January 13, 1986, all of which govern a special use permit which was granted by the County for an outdoor shooting range on the Property are hereby rescinded on June 1, 2020.
- b. If staff determines that the structure, located on property owned by Timothy and Martha Bellendir and within 1320 feet of the proposed livestock confinement facility, falls within the type of structure described in Sec. 4-200 of the Zoning Regulations, the Owner shall obtain a variance from the Morgan County Board of Adjustment, prior to developing the proposed livestock confinement facility on the Property.

14. 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.

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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 the Applicant, which are incorporated into this Resolution.
- c. The 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 17th day of December, 2019.

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2019 BCC 37, a Resolution Granting Four X Ranch, Inc. A Special Use Permit For A Livestock Confinement Facility On The Property Located In The N ½ Ne ¼, Section 15, Township 4 North, Range 57 West Of The 6th P.M., Morgan County, Colorado. Ms. Cherry stated on December 10, 2019 the County Commissioners held a public hearing and approved a Use by Special Review for Four X Ranch to establish a livestock confinement. Resolution 2019 BCC 37 reflects the outcome of that public hearing. Commissioner Zwetzig noted that under condition 3B the staff has determined that it is a residential property therefore a variance is required and this special use is subject to the variance taking place.

Commissioner Arndt made the motion to approve Resolution 2019 BCC 37 a Resolution Granting Four X Ranch, Inc. A Special Use Permit For A Livestock Confinement Facility On The Property Located In The N ½ Ne ¼, Section 15, Township 4 North, Range 57 West Of The 6th P.M., Morgan County, Colorado, Cody Millar being the applicant and X Ranch as the landowner , noting it is being signed nunc pro tunc for December 10, 2019. Commissioner Becker seconded the motion. Chairman Zwetzig noted the approval is subject to the conditions as previously stated. At this time, the motion carried 3-0.

Consideration of Approval – RESOLUTION 2019 BCC 38 - A Resolution Approving The Wiggins Farm Minor Subdivision (Two Lots) Located In The NE1/4, Section 13, Township 4 North, Range 60 West, Morgan County, Colorado

RESOLUTION 2019 BCC 38

A RESOLUTION APPROVING THE WIGGINS FARM MINOR SUBDIVISION (TWO LOTS) LOCATED IN THE NE 1/4, SECTION 13, TOWNSHIP 4 NORTH, RANGE 60 WEST, MORGAN COUNTY, COLORADO

WHEREAS, Wiggins Farms, LLC (“Owner”) owns a parcel of property in the NE ¼, Section 13, Township 4 North, Range 60 West in Morgan County, Colorado (“Property”);

WHEREAS, Andy Rowell (the “Applicant”), on behalf of the Owner, has applied for approval of a minor subdivision, pursuant to the County’s Subdivision Regulations (the “Application”) for the creation of two new lots on the Property;

WHEREAS, on November 12, 2019, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be approved;

WHEREAS, notice of the public hearing before the Board of County Commissioners was properly published and the notice was properly posted at the Property;

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WHEREAS, on December 10, 2019, during the public hearing, the Board of County Commissioners received testimony and evidence from staff and the public; and

WHEREAS, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application, subject to the conditions below.

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

1. **APPROVAL.**

The Wiggins Farms Minor Subdivision, as shown in the Application, is hereby approved subject to the following conditions:

- a. Conveyance documents for Lot 1 shall reference the access easement for the benefit of Lot 2.
- b. Before recording the plat, the Owner shall provide documentation from Morgan Quality Water assigning the taps to a specific address for each lot created by this subdivision.

2. **FINDINGS.**

The Board, having reviewed the application, all information provided and testimony heard, finds that:

- a. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access. Morgan Quality Water has approved two taps, one for each new lot. The County Road and Bridge Department has approved the existing access and the Owner has burdened Lot 1 with an access easement for the benefit of Lot 2. The Northeast Colorado Health Department has approved the existing septic systems on both lots.
- b. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.
- c. The subdivision is compatible with surrounding land uses. There are several small subdivisions in the surrounding area. Distance provides adequate buffering and no additional buffering is required.

DATED this 17th day of December, 2019.

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

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

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

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

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey

Morgan County Planning and Zoning Planning Administrator, Pam Cherry, presented to the Board Resolution 2019 BCC 38, a Resolution Approving The Wiggins Farm Minor Subdivision (Two Lots) Located In The NE 1/4, Section 13, Township 4 North, Range 60 West, Morgan County, Colorado. Ms. Cherry stated on December 10, 2019 the County Commissioners held a public hearing and approved the Wiggins Farm Minor Subdivision of two lots. Resolution 2019 BCC 38 reflects the outcome of that hearing.

Commissioner Becker made the motion to approve Resolution 2019 BCC 38 a Resolution Approving The Wiggins Farm Minor Subdivision (Two Lots) Located In The NE 1/4, Section 13, Township 4 North, Range 60 West, Morgan County, Colorado, noting it is being signed nunc pro tunc for December , 2019. Commissioner Arndt seconded the motion. At this time, the motion carried 3-0.

UNFINISHED BUSINESS

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There was no unfinished business.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated December 13, 2019 through December 24, 2019 with no changes.

Commissioner Arndt provided the weekly road and bridge report ending December 13, 2019.

Being no further business the meeting was then adjourned at 10:05 a.m.

Respectfully Submitted,

Randee Aleman
Deputy Clerk to the Board

(Minutes ratified January 7, 2020)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

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

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey