

AGENDA
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
Assembly Room, Administration Building
231 Ensign Street, Fort Morgan, CO 80701
Tuesday February 4, 2025

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/84876573906> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday February 3, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/84876573906> listen via phone, please dial: 1-312-626-6799, Meeting ID: 848 7657 3906

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/84876573906> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 848 7657 3906
9:00 A.M.

A. WELCOME – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commissioner Becker
Commissioner Malone
Commissioner Bernhardt

B. CITIZEN'S COMMENT PERIOD

Citizens are invited to speak to the Commissioners on agenda or 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. 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 Previous Board Chairman Mark Arndt's signature on **Colorado Retail Liquor License Renewal Application** for NOCO Axe Throwing, Inc. dba After Hours Ft. Morgan, signed December 20, 2024.
2. Ratify Chairman Jon Becker's signature on **Stormwater Inspection Form**, dated January 29, 2025.

*Morgan County is committed to making its public meetings accessible to persons with disabilities. If you need special accommodations, please call (970)542-3500, extension 1410, at least 2 business days in advance of a meeting to make arrangements.

3. Ratify the Board of County Commissioners approval of **Morgan County Ambulance Service EMTS Funding** Grant Application.
4. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 014 Northern Lights Therapy, PLLC**, Term of Contract January 1, 2025 through May 31, 2025

D. UNFINISHED BUSINESS

E. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

1. Consideration of Approval – **Two Quit Claim Deeds from Colorado Department of Transportation** for property related to the CDOT realignment project of County Roads 31 and U at Highway 6 and BSNF Crossing.
2. Consideration of Approval – **Changes made to 457 Retirement Option for employees.** (Lori Crispin – Finance)

F. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

1. Commissioners Calendar for week of January 31, 2025 through February 11, 2025.

G. PLANNING AND ZONING

1) Public Hearings

Continuation of Hearing from January 28, 2025.

- a) **Applicant and Landowners:** Public Service Company of Colorado (Xcel Energy)
Legal Description: Located in Sections 17, 18, 19 and 20 Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. Also known as 14940 CO RD 24, Brush, CO 80723.
Request: Amended Use by Special Review Permit to convert Pawnee Power Station from Coal to a Gas Electric Generating Station.
Consideration of Approval – Resolution 2025 BCC 05
Date of Application: December 19, 2024

H. ADJOURNMENT

*Morgan County is committed to making its public meetings accessible to persons with disabilities. If you need special accommodations, please call (970)542-3500, extension 1410, at least 2 business days in advance of a meeting to make arrangements.

EXHIBIT "A"

PROJECT NUMBER: SRH SW02-451

PARCEL NUMBER: RW-3

PROJECT CODE: 23538

DATE: July 01, 2022

DESCRIPTION

A tract or parcel of land No. RW-3 of the Department of Transportation, State of Colorado Project No. SRH SW02-451 containing 41,652 sq. ft. (0.956 acres), more or less, in Section 19, Township 4 North, Range 55 West, of the 6th Principal Meridian, in Morgan County, Colorado, also within a parcel of land recorded at Reception Number 910767, Morgan County Records, said tract or parcel being more particularly described as follows:

Beginning at a point on the north Right-of-Way line of Morgan County Road U (60' R.O.W.), also being the south line of said parcel of land recorded at Reception Number 910767, Morgan County Records, whence the southeast corner of said Section 19 bears S. 88°21'53" E., a distance of 563.45 feet, said point also being the TRUE POINT OF BEGINNING:

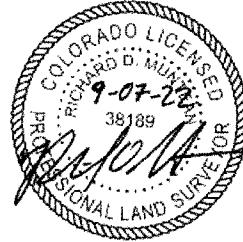
1. Thence N. 47°14'36" E., a distance of 95.05 feet;
2. Thence N. 59°29'13" E., a distance of 168.74 feet;
3. Thence N. 42°20'18" E., a distance of 394.66 feet;
4. Thence N. 20°12'29" E., a distance of 97.78 feet to the west Right-of-Way line of Morgan County Road 31 (60' R.O.W.), also being the east line of said parcel of land recorded at Reception Number 910767, Morgan County Records;
5. Thence along said west Right-of-Way line of Morgan County Road 31 (60' R.O.W.), S. 01°55'20" E., a distance of 133.02 feet to the northwesterly line of a ten-foot-wide Right-of-Way Easement for Mountain States Telephone and Telegraph Company recorded in Book 746, Page 9, Morgan County Records;
6. Thence departing said west Right-of-Way line and along said northwesterly line S. 42°20'18" W., a distance of 536.89 feet to said north Right-of-Way line of Morgan County Road U (60' R.O.W.);
7. Thence along said north Right-of-Way line S. 88°35'00" W., a distance of 157.66 feet, more or less, to the TRUE POINT OF BEGINNING.

The above-described parcel contains 41,652 sq. ft. (0.956 acres), more or less.

The purpose of the above-described parcel is for permanent roadway construction & associated appurtenances.

Basis of Bearings: All bearings are based on a line between the southeast Corner of said Section 19, Township 4 North, Range 55 West, of the 6th P.M. (Fnd. Rebar with Aluminum Cap stamped "RLS 1791, 2006") and the south One-Quarter Corner of said Section 19, Township 4 North, Range 55 West, of the 6th P.M. (Fnd. 3-1/4" Aluminum Cap in Monument Box stamped "LS 33642, 2003") having a grid bearing of S. 88°35'00" W.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



Pursuant to C.R.S. §39-13-104 State of Colorado is Exempt from Documentary Fee.

QUITCLAIM DEED

THIS DEED is dated _____, 2025, and is made between the DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, the "Grantor", of the City and County of Denver and State of Colorado, and Morgan County, "Grantee," whose legal address is 218 Kiowa Avenue, Fort Morgan, CO 80701 of the _____, County of Morgan and State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration (\$10.00), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, and the Grantee's heirs and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon, located in the _____ County of Morgan and State of Colorado, described as follows:

CDOT Project Number: SRH SW02-451
Project Code: 23538

See attached Exhibit "A" dated July 01, 2022 for:
Parcel Number: RW-1

Pursuant to C.R.S. §39-13-104 State of Colorado is Exempt from Documentary Fee.
TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and the Grantee's heirs and assigns, forever, except: easements, covenants, reservations, restrictions and rights-of-way of record.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

DEPARTMENT OF TRANSPORTATION
STATE OF COLORADO

ATTEST

BY

Hope Wright, Chief Clerk,
Property Management

Keith Stefanik , P.E.
Chief Engineer

STATE OF COLORADO }
 } ss.
CITY AND COUNTY OF DENVER }

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by Keith Stefanik P.E., Chief Engineer, of the State of Colorado acting by and through the Department of Transportation.

Witness my hand and official seal.
My commission expires: _____

{Seal}

Notary Public

For and on behalf of 105 West, Incorporated, Richard D. Muntean, PLS 38189,
4201 E. Yale Ave., Ste. 230, Denver, CO 80222

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

EXHIBIT "A"

PROJECT NUMBER: SRH SW02-451

PARCEL NUMBER: RW-1

PROJECT CODE: 23538

DATE: July 01, 2022

DESCRIPTION

A tract or parcel of land No. RW-1 of the Department of Transportation, State of Colorado Project No. SRH SW02-451 containing 41,698 sq. ft. (0.957 acres), more or less, in Section 30, Township 4 North, Range 55 West, of the 6th Principal Meridian, in Morgan County, Colorado, also within a parcel of land recorded at Reception Number 860435, Morgan County Records, said tract or parcel being more particularly described as follows:

Beginning at a point on the northwesterly Right-of-Way line of the B.N.S.F. Railroad (100' R.O.W.), also being the southeasterly line of said parcel of land recorded at Reception Number 860435, Morgan County Records, whence the northeast corner of said Section 30 bears N. 67°26'51" E., a distance of 714.68 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 34°28'58" W., a distance of 271.70 feet to the south Right-of-Way line of Morgan County Road U (60' R.O.W.), also being the north line of said parcel of land recorded at Reception Number 860435, Morgan County Records;
2. Thence along said south Right-of-Way line of Morgan County Road U (60' R.O.W.), N. 88°35'00" E., a distance of 366.26 feet to said northwesterly Right-of-Way line of the B.N.S.F. Railroad (100' R.O.W.);
3. Thence departing said south Right-of-Way line and along said northwesterly Right-of-Way line of the B.N.S.F. Railroad (100' R.O.W.), S. 42°20'18" W., a distance of 315.24 feet, more or less, to the TRUE POINT OF BEGINNING.

The above-described parcel contains 41,698 sq. ft. (0.957 acres), more or less.

The purpose of the above-described parcel is for permanent roadway construction & associated appurtenances.

Basis of Bearings: All bearings are based on a line between the northeast Corner of said Section 30, Township 4 North, Range 55 West, of the 6th P.M. (Fnd. Rebar with Aluminum Cap stamped "RLS 1791, 2006") and the north One-Quarter Corner of said Section 30, Township 4 North, Range 55 West, of the 6th P.M. (Fnd. 3-1/4" Aluminum Cap in Monument Box stamped "LS 33642, 2003") having a grid bearing of S. 88°35'00" W.

For and on behalf of:
105 West, Incorporated
Richard D. Muntean, PLS 38189
4201 E. Yale Ave., Ste. 230
Denver, Co 80222



COMMISSIONERS CALENDAR

January 31, 2025 through February 11, 2025

January 31, 2025	9:00 A.M.	Steering Committee
February 3, 2025	11:00 A.M. 11:30 A.M. 12:30 P.M. 1:00 P.M.	Monthly Region 4 Opioid Council Meeting (Malone) BCC Office Meeting Finance Department Meeting Building Maintenance Department Meeting
February 4, 2025	9:00 A.M. 12:30 P.M.	Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) HR Department Meeting
February 5, 2025	12:00 P.M.	NFR/UFR STAC-Prep Meeting (Malone)
February 6, 2025	8:30 A.M.	STAC (Malone)
February 7, 2025	11:00 A.M.	First Fridays Quality Forum
February 10, 2025	11:0 A.M. 11:30 P.M. 1:30 P.M.	BCC Office Meeting Finance Department Meeting Comm. Center/Ambulance Department Meeting
February 11, 2025	9:00 A.M. 10:00 A.M. 11:00 A.M. 12:30 P.M. 2:00 P.M.	Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) County Attorney Office Hours BCC Meeting with County Attorney and Troy Black (Building Dept.) HR Department Meeting MCEDC 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

Posted 01/31/2025 @ 4:00 P.M. by Mindi Cloyd, Administrative Services Manager

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

*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 48 hours before the scheduled agenda item. Please call (970)542-3500, extension 1410, to request accommodation.

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

**RESOLUTION
2025 BCC 05**

**A RESOLUTION CONDITIONALLY GRANTING A MAJOR AMENDMENT TO
THE SPECIAL USE PERMIT HELD BY PUBLIC SERVICES OF COLORADO
FOR THE PAWNEE POWER STATION LOCATED IN CERTAIN PARCELS IN
SECTIONS 17, 18, 19, AND 20, TOWNSHIP 3 NORTH, RANGE 56 WEST OF THE
6TH P.M, MORGAN COUNTY, COLORADO**

WHEREAS, Public Service Company of Colorado, also known as Xcel Energy, (the “Owner”) owns and/or has facilities on property located in Sections 17, 18, 19, and 20, Township 3 North, Range 56 West of the 6th P.M, Morgan County, Colorado, with an address 14940 County Road 24 and more specifically described as all of Section 17, EXCEPT a 30 foot strip of land described in Book 48 at Page 71, EXCEPT a 30 foot strip of land described in Book 48 at Page 32, EXCEPT a parcel of land described in Book 731 at Page 242, EXCEPT the Vondy Minor Subdivision recorded at reception number 1500582, and EXCEPT a parcel of land described in book 865 at page 545 in the records of the Morgan County Clerk and Recorder; all of Section 18, EXCEPT a parcel of land described in book 438 at page 478, EXCEPT a 30 foot strip of land described in Book 48 at Page 25, and EXCEPT a 30 foot strip of land described in Book 48 at page 28 in the records of the Morgan County Clerk and Recorder; all of Section 19, EXCEPT a parcel of land described in Book 534 at Page 324 in the records of the Morgan County Clerk and Recorder and EXCEPT the Manchief Electric Generating Station parcels described in Resolution 99 BCC 49; and the west half (W1/2) of Section 20, all in Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado (“Property”);

WHEREAS, the Owner was granted a special use permit for the construction of the Pawnee Station Power Plant on October 12, 1976 (“Power Plant SUP”);

WHEREAS, the Owner applied for and was granted an amendment to the Power Plant SUP to expand Evaporation Pond A on the Property through Resolution 96 BCC 45 (“1996 Amendment”);

WHEREAS, the Owner applied for and was granted an amendment to the Power Plant SUP to construct and operate a new Evaporation Pond D on the Property through Resolution 2002 BCC 16 and amended in Resolution 2002 BCC 20 (“2002 Amendment”);

WHEREAS, the Owner applied for and was granted an amendment to the Power Plant SUP to increase the height of a previously approved existing landfill and to construct a new East CCR landfill on the Property through Resolution 2017 BCC 38, recorded at reception number 907955 in the records of the Morgan County Clerk and Recorder (“2017 Amendment”);

WHEREAS, the Owner applied for and was granted a minor amendment to the Power Plant SUP to allow the East Landfill to accept water treatment sludge from other Public Services Company facilities

for disposal through an Administrative Approval recorded at reception number 926794 in the records of the Morgan County Clerk and Recorder (“2020 Amendment”);

WHEREAS, the Owner applied for and was granted a minor amendment to the Power Plant SUP for expansion of the East CCR Landfill within the former footprint of Evaporation Pond D through an Administrative Approval recorded at reception number 946064 in the records of the Morgan County Clerk and Recorder (“2023 Amendment”);

WHEREAS, the Owner applied for and was granted a minor amendment to the Power Plant SUP to allow non-hazardous liquid waste (i.e., wastewater) from Pawnee Station and specific Public Service Company facilities (Cherokee Generating Station, Fort St Vrain Generating Station, and Rocky Mountain Energy Center) to be placed into Pawnee Station’s impoundments on the Property through an Administrative Approval recorded at reception number 951805 in the records of the Morgan County Clerk and Recorder (“2024 Amendment”);

WHEREAS, the Owner has filed an application for an Amendment to a Use by Special Review pursuant to Sections 2-455 and 2-500 of the Morgan County Zoning Regulations to convert the source of electric generating power at the Pawnee Station Power Plant from coal to natural gas (“Application”), construct new facilities and expand the special use permit area;

WHEREAS, on January 21, 2025, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be conditionally approved;

WHEREAS, on January 28, 2025, the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application which public hearing was continued to February 4, 2025;

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. APPROVAL.

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 “Amended Permit”). The use approved is amended to major facility of public utility, specifically

as a natural gas-powered electric generation facility. The Owner may continue to operate the coal-powered portion of the facility until the conversion to natural gas is completed.

2. FINDINGS OF FACT.

Subject to the Owner satisfying 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, the continued energy generated from the Pawnee Station will serve Xcel Energy customers including Morgan County and surrounding communities. Natural gas is generally a cleaner fuel and overall and the ambient air quality in Morgan County will benefit due to this conversion.
- 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 the 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. The Owner will mitigate dust mitigation during construction. Dust will be controlled on site by best management practices, such as periodic watering and reducing construction traffic speeds on-site.
- e. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County. The proposed project is compatible with the surrounding uses. The project and construction site is more than half a mile from the nearest residence.
- f. The project will have minimal impacts on the surrounding uses as the facility already exists and the conversion will increase generation efficiency and reduce greenhouse gas emissions. However, to ensure public safety, an adequate and insured fire response, and due to the location of the project in area susceptible to wildland fire, the Owner must comply with the conditions herein regarding fire services.
- g. The special use proposed is not planned to be developed on a non-conforming parcel.
- h. The Owner has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review. The project serves as an integral part of Xcel Energy's February 2021 Colorado Clean Energy Plan, updated in April 2022.

- i. Existing on-site resources of potable water for human consumption will be maintained.

3. CONDITIONS.

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

- a. Proof of ownership or possession of the Property must be submitted to the Planning & Zoning Department prior to issuance the building permit. Any Property which the Owner cannot demonstrate ownership or possession must be removed from the description of Property subject to this Amended Permit. Such an amendment may be processed as a minor amendment.
- b. All necessary land use, environmental, and construction permits, approvals and authorizations will be obtained prior to the issuance of a building permit as required and may include, but are not limited to, land use permits, right-of-way (ROW) permits, road use agreements, access permits, oversize/overweight permits, grading permits, and stormwater permits.
- c. All necessary plans, reports, permits, and certificates will be submitted prior to issuance of any building permit associated with the water treatment facility and may include, but are not limited to, interconnection/crossing agreements, final drainage & erosion control plan, operations and maintenance plan, liability insurance certificate, final locations for any laydown yard, and a copy of the APEN issued by the Colorado Department of Public Health and Environment.
- d. The Owner may incorporate hydrogen or other fuel blends up to or equal to 30% of the fuel utilized for power generation upon approval of a minor amendment to this Amended Permit pursuant to the Morgan County Zoning Regulations. If a minor amendment process is not available under the Morgan County Zoning Regulations, as they may be modified, the amendment shall be processed pursuant to the applicable process at the time of the amendment application.
- e. The Brush Rural Fire Protection District has agreed to continue to operate under the 2012 Fire Service Agreement with the Owner until the completion of the inclusion process for the Property pursuant to Title 32. Within 120 days of the date of the approval of this Amended Permit, the Owner shall provide an updated agreement or a copy of the inclusion order for the Property to the County. During all periods the Owner is conducting activities on the Property pursuant to this Amended Permit or any amendments to the Amended Permit, it shall maintain an agreement with a fire protection district for emergency fire services at the Property. The requirement to maintain an agreement with a fire protection district shall not apply if the Property is included within the boundaries of a fire protection district pursuant to the provisions of Title 32, C.R.S.

Alternative e: The Brush Rural Fire Protection District has agreed to continue to operate under the 2012 Fire Service Agreement with the Owner until the completion of the inclusion process for the Property pursuant to Title 32. Within 120 days of the date of the approval of this Amended Permit, the Owner shall 1) include within the boundaries of the Brush Rural Fire Protection District pursuant to the provisions of Title 32, C.R.S and 2) provide the order of inclusion to the County. The Property may not be excluded from the boundaries of the Brush Rural Fire Protection District without further amendment to this Amended Permit.

- f. Prior to the issuance of the building permit, the Owner will enter into a road use agreement for the use of any public road during construction which shall include the following:
- i. A map showing which County roads will be used during construction.
 - ii. A pre-construction baseline inventory of County roads on the designated haul route to be used during construction to document their pre-construction condition, obtained by and paid for by the Owner.
 - iii. A mitigation plan to address traffic congestion, control, and potential impacts to County roads to be used during construction. The mitigation plan shall also include any dust mitigation activities.
 - iv. After completion of the conversion project, submission a post-construction survey of County Road 24 from the south side of I-76 to the entrance onto the Property, obtained by and paid for by the Owner.
 - v. A requirement that the Owner return any County roads to their pre-construction baseline condition.
 - vi. A requirement to post financial security in an amount not less than one hundred fifteen percent (115%) of the estimated cost to complete all road restoration, in the form of an irrevocable letter of credit or cash escrow. Cost estimates shall be provided by a licensed Colorado engineer. Upon preliminary acceptance of the restored public road, the County shall release all but fifteen percent (15%) of total actual costs of restoration of the public roads, so long as the Applicant is not in default of any provision of the Amended Permit. The County shall inspect the restored roads and the Applicant shall pay to the County the cost incurred by the County in conducting such inspections. These costs shall be due and payable upon demand of the County. The Owner shall be responsible for correcting or properly completing the restoration.
 - vii. The residual fifteen percent (15%) retained by the County shall act as security for the Owner's guarantee that the restoration remains free of defect during a two-year warranty period. The Owner may at any time, during the preliminary acceptance

or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the County. The County may accept substitute or supplemental forms of security in its sole discretion.

- g. The Owner shall prevent the existence of any nuisances by way of its construction activities. All trash, litter, construction waste and any potentially hazardous materials shall be disposed of properly off-site. If the County determines that a nuisance exists and the nuisance is not abated or an abatement plan is not submitted to the satisfaction of the County, the County may, upon thirty (30) days' notice, undertake such abatement and lien the property for the costs of the abatement. Such abatement shall not be deemed to limit any other enforcement rights of the County.
- h. The Owner shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
- i. The Owner shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice the Owner for costs and fees and payment will be due by the Owner within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.
- j. This Amended Permit is subject to all applicable provisions of the Morgan County Zoning Regulations.

4. GENERAL PROVISIONS.

- a. The Board of County Commissioners retains continuing jurisdiction over this Amended Permit to ensure compliance with this Amended Permit and the Morgan County Zoning Regulations. County representatives are authorized to inspect the Property at any reasonable time upon notice to the Applicant. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Owner and Owner's agent, which are incorporated into this Amended Permit. If any representations or information presented by the Owner or Owner's agent during the public hearing or the Application are found to be erroneous, lacking a factual basis or otherwise inaccurate, the County may institute enforcement proceedings to address such representations or information and require the Owner to take measures to correct such representations or information. The County, subject to notice and hearing, may amend, add, or remove any conditions on this Amended Permit or exercise any action provided for in the Morgan County Zoning Regulations.
- b. 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 Public Utilities Commission,

Colorado Department of Public Health and Environment and the United States Environmental Protection Agency.

- c. The Owner shall comply with all requirements, conditions and standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing. All conditions and terms of this Amended Permit and previous approvals not amended by this Amended Permit run with the land and apply to any subsequent operators or owners of the facility and the Property.

DATED this 4th day of February, 2025.

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

Jon J. Becker, Chair

Kelvin Bernhardt, Commissioner

Tim Malone, Commissioner

ATTEST:

Kevin Strauch, Clerk to the Board