

AGENDA
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
ASSEMBLY ROOM, ADMINISTRATION BUILDING
231 ENSIGN STREET, FORT MORGAN, CO 80701
TUESDAY, JANUARY 04, 2022

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/81126521694> If you cannot connect via Zoom, you may submit written public comment to morgancountybce@co.morgan.co.us by email by 4 p.m. on Monday January 3, 2022.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/81126521694> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 811 2652 1694

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/81126521694> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 811 2652 1694

9:00 A.M.

A. WELCOME – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commissioner Arndt
Commissioner Becker
Commissioner Westhoff

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. 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 December 21, 2021
2. Ratify the Board of County Commissioners approval of Contract 2021 CNT 111, LAMAR, Term of Contract December 27, 2021 through December 25, 2022

*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 December 30, 2021 @ 4:00 P.M.

3. Ratify the Board of County Commissioners approval of Contract 2021 CNT 112, Johnson & Sekin., Term of Contract December 13, 2021 through completion
4. Ratify the Board of County Commissioners approval of 2022 CNT 008 Javan Jones Lease Agreement for Morgan County Coroner's Office., Term of Contract January 1, 2022 through December 31, 2022 with 3 years auto renew
5. Ratify Chairman Pro-Tem Jon Becker's signature on Morgan County Service Vendor Form 2021 SV 08 AJ's Backflow Testing, signed December 29, 2021
6. Ratify Chairman Pro-Tem Jon Becker's signature on Grant Award 2022 GRA 01, Ambulance AED Project Public Access, signed December 29, 2021
7. Ratify Chairman Pro-Tem Jon Becker's signature on Grant Award 2022 GRA 02, VALE Victims Assistance, signed December 27, 2021
8. Revision Ratifying Chairman Pro-Tem Jon Becker's signature on the 2022 Colorado Retirement Association Retirement Plan and Trust Agreement, signed December 21, 2021
9. Revision Ratifying Chairman Pro-Tem Jon Becker's signature on the 2022 Section 125 Flexible Benefit Plan Adoption Agreement, signed December 21, 2021
10. Ratify Chairman Pro-Tem Jon Becker's signature on December 20, 2021 Storm Water Inspection, signed December 27, 2021
11. Ratify Chairman Mark Arndt's signature on OnSolve Subscription Services Order Form, signed December 8, 2021
12. Ratify Chairman Pro-Tem Jon Becker's signature on October Public Trustee Report, signed December 29, 2021
13. Ratify the Board of County Commissioners approval of Fairgrounds Fee Waiver Request for Morgan County Family Center-Mobile Food Pantry event dates monthly
14. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #211813, #211742, #211911, #211951, #211737, #322873, #212060, #211955, #211970, #211421A, #211654, #211910, #210210, #211805, #211830B, #211670, #212064, #211705, #211799, #211835, #211204, #211978, #212079, #210935A, #210816A, #211739, #211701, #211660, #210458, #211696, #211533, #211815, #211793, #211710, #211708A, #212063, #211421B, #210003

D. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

1. Consideration of Approval – **2022 BCC 01 A** Resolution Imposing A Temporary Moratorium On The Processing Of Applications For Wind And Solar Power Generation Or Collection Facilities, Associated Power Lines And Battery Energy Storage Systems In All Unincorporated Portions Of Morgan County Pending Consideration Of Amendments To County Land Use Regulations Governing Such Uses (Gordon Westhoff, Morgan County Commissioner)
2. Consideration of Approval – **RFP 2021-1230-001** Weldon Valley Farm Bid Tabulation and Award (Karla Powell, Administrative Services Manager)
3. Consideration of Approval – **RFP 2021-1230-002** Jackson Lake Water Share Bid Tabulation and Award (Karla Powell, Administrative Services Manager)

E. UNFINISHED BUSINESS

F. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

1. Congressman Ken Buck Legislative Update, Darlene Carpio-Regional Director, Colorado Eastern Plains

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2. Commissioners Calendar for week of December 31, 2021 through January 11, 2022

G. ADJOURNMENT

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Prepared By: Karla Powell, Administrative Services Manager
Agenda Posted On Thursday December 30, 2021 @ 4:00 P.M.

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

RESOLUTION NO. 2022 BCC 01

**A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE
PROCESSING OF APPLICATIONS FOR WIND AND SOLAR POWER
GENERATION OR COLLECTION FACILITIES, ASSOCIATED POWER
LINES AND BATTERY ENERGY STORAGE SYSTEMS IN ALL
UNINCORPORATED PORTIONS OF MORGAN COUNTY PENDING
CONSIDERATION OF AMENDMENTS TO COUNTY LAND USE
REGULATIONS GOVERNING SUCH USES**

WHEREAS, the development of wind and solar power collection or generation facilities, associated power lines and battery energy storage systems (“BESS”) are rapidly developing and evolving industry across Colorado and particularly in unincorporated areas with substantial open agricultural land;

WHEREAS, the use of agricultural and other large tracts of land for wind and solar power collection or generation facilities and BESS has a significant impact on the health, safety and welfare of the citizens of Morgan County (the “County”) in a number of ways, including without limitation impacted views, loss of land for traditional agricultural uses, increased noise and traffic, reduced, fragmented, or degraded habitat for wildlife, fish, and plants, noxious weeds and other disturbances, and potential impacts on air, water, soil, floodplains, water, storm water, drainage and erosion control, and commitment to agricultural production;

WHEREAS, in its role administering the County transportation system, the County is concerned about the potential increased impacts due to increased wear and tear on roads from heavy truck traffic used to install and maintain wind and solar facilities and BESS resulting in greater need for road and bridge improvements and maintenance;

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.*, provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens;

WHEREAS, the Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land;

WHEREAS, the Board of County Commissioners (“Board”) believes it has the responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other

applicable state and federal statutes and common law grants of authority, and to promote the health, safety and general welfare of its residents;

WHEREAS, the Board, pursuant to its land use authority, has from time to time adopted planning, zoning and other regulations governing land use in the unincorporated portions of the County;

WHEREAS, the County currently has zoning regulations which would apply in a general manner to wind and solar power collection or generation facilities and BESS;

WHEREAS, the County's current zoning regulations have few specific provisions that would govern wind and solar power collection or generation facilities and BESS, and therefore the County desires to undertake review of such regulations to ensure they sufficiently address such facilities in an orderly manner that protects the public's health, safety and welfare while at the same time allowing for the development of important alternative sources of energy;

WHEREAS, the Board estimates that the time needed to perform the appropriate study and to determine the appropriate action to govern the treatment of wind and solar power generation or collection facilities and BESS in the County is approximately six months;

WHEREAS, if applications requesting review and approval of wind or solar power generation or collection facilities and BESS are submitted prior to the County having adequate time to conduct the appropriate studies and adopt appropriate regulations, the Board believes irreparable harm may be done to the public health, safety and welfare;

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development; indeed, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal legal decisions upholding temporary moratoria on land use applications while amendments are considered, the Board has the legal authority to adopt a temporary moratorium in this situation;

WHEREAS, in light of the foregoing recitals and findings, after a duly noticed public meeting held on January 4th, 2022, the Board desires to adopt this temporary moratorium to protect the public health, safety, and welfare, and to avoid development which, during the County's planning and land use regulation amendment process, may contravene the results of this study and process put the public at risk.

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

1. This temporary moratorium shall take effect immediately. The County shall not accept, process, or approve any applications for uses of land that involve the development of wind or solar power collection or generation facilities, associated transmission lines and BESS facilities. This moratorium shall only apply to these activities which consist of more than 30+ acres.

2. This temporary moratorium shall remain in place until July 4th, 2022, unless terminated or extended.

3. County staff is hereby directed to continue analyzing whether the County's Zoning Regulations are sufficient to protect the public health, safety and welfare, or whether amendments to the County's Zoning Regulations are necessary to adequately address the impacts of wind or solar power collection or generation facilities, associated transmission lines and BESS facilities

4. The County hereby affirms that any development of wind and solar power collection or generation facilities and BESS that are subject to this moratorium without appropriate County approvals will be in violation of the Morgan County's land use regulations.

DATED this ____ day of _____, 2021.

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

Mark A. Arndt, Chairman

Jon J. Becker, Commissioner


Gordon H. Westhoff, Commissioner

ATTEST:

Susan Bailey, Clerk to the Board

**2021-1230-001
Weldon Valley 38-Acre Farm
Bid Tabulation
December 30, 2021**

#1	Lorenzini Farms	\$131/acre for a total of \$4978	1/1/2022-12/31/2022 4 years auto renewable
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Prepared by: 
Karla Powell, Administrative Services Manager

Awarded: _____

MORGAN COUNTY, COLORADO

Chairman

Commissioner

Commissioner

ATTEST:

Susan L. Bailey, Clerk to the Board
(seal)
Date: _____

RFP 2021 1230 002
Jackson Lake Water (1) Share
Bid Tabulation
December 30, 2021

#1	Fort Morgan Water Company , Ltd	\$501	01/01/2022 – 12/31/2022
#2	Bijou Irrigation Company	\$167,000	01/01/2022 – 12/31/2022

Prepared by: _____

Karla Powell, Administrative Services Manager

Awarded: _____

MORGAN COUNTY, COLORADO

Chairman

Commissioner

Commissioner

ATTEST:

Susan L. Bailey, Clerk to the Board
(seal)

Date: _____

COMMISSIONERS CALENDAR

December 31, 2021 through January 11, 2022

December 31, 2021		Morgan County Offices Closed in Observance of New Year's Day
January 3, 2022		Morgan County Daily Business
January 4, 2022	9:00 a.m. 10:00 a.m. 11:00 a.m.	Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) Office Meeting Human Resources Department Meeting
January 5, 2022		Daily County Business
January 6, 2022		Daily County Business
January 7, 2022		Daily County Business
January 10, 2022	11:00 a.m. 12:00 p.m. 1:00 p.m. 2:00 p.m.	Office Meeting Ambulance Department Meeting Communications Department Meeting Human Resources Department Meeting
January 11, 2022	9:00 a.m. 12:00 p.m. 1:00 p.m.	Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) Finance Department Meeting Comm Board/911 Authority Meeting (Becker)

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 12/30/2021 @ 4:00 P.M. by Karla Powell, Administrative Services Manager

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