

# COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS  
Morgan County Board of Social/Human Services  
Minutes of Meeting  
January 28, 2025**

As reflected in posted agenda:

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89671699642> 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 January 27, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89671699642> listen via phone, please dial: 1-312-626-6799, Meeting ID: 896 7169 9642

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/89671699642> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 896 7169 9642

The Board of Morgan County Commissioners met on Tuesday, January 28, 2025 at 9:00 a.m. with Chairman Jon Becker, Commissioner Tim Malone, and Commissioner Kelvin Bernhardt in attendance. Chairman Becker asked Morgan County Coroner Mike Dahl to lead the meeting in the Pledge of Allegiance.

At this time, the Board convened as the Morgan County Board of Social/Human Services. Chairman Becker noted that Jacque Frenier, Morgan County Department of Human Services Director, and Accounting Manager Susan Nitzel were present.

#### **Consideration of Approval –DHS Minutes dated December 17, 2024**

Chairman Becker presented for review and approval the Department of Human Services Minutes dated December 17, 2024. A motion was made by Commissioner Bernhardt to approve the minutes as presented with Commissioner Malone seconding the motion. The motion carried 3-0.

#### **Consideration of Approval – DHS WARRANTS – November 2024**

Susan Nitzel, Accounting Manager presented to the Board for their review and approval of the Department of Human Services Warrants for the month of November 2024. Ms. Nitzel summarized the operating warrants as being a total of \$247,565.65 for operating costs and direct deposits for payroll were \$203,693.85, which totaled \$451,259.50. Ms. Nitzel stated that from October to November there was \$28,000 less spent, which was in the program contract payments.

Commissioner Malone made the motion to approve the warrants as presented for November 2024 in the amount of \$451,259.50 as presented and authorized the Chairman to sign with Commissioner Bernhardt seconding the motion. Motion carried 3-0.

#### **Consideration of Approval – DHS CERTIFICATION OF PROVIDER AND VENDOR BENEFIT AUTHORIZATIONS – November 2024**

Susan Nitzel, Accounting Manager presented to the Board for their review and approval the Department of Human Services Certification of Provider and Vendor Benefit Authorizations for November 2024. Ms. Nitzel summarized the Certification of Provider and Vendor Benefit Authorizations indicating the monthly total of \$895,753.17. Ms. Nitzel stated that in comparison from October to November there was a difference of \$2,000 which is very close to the same amount being spent. However, in comparison from 2023 to 2024 \$58,000 less was spent in 2024.

Commissioner Malone made the motion to approve the Certification of Provider and Vendor Benefits as presented for November 2024 in the amount of \$895,753.17, as presented and authorized the Chairman to sign, with Commissioner Bernhardt seconding the motion. Motion carried 3-0.

Ms. Friener explained that the LEAP Program is still open and encouraged citizens to apply either online at PEAK or in the office.

There being no further business, the Board stood in recess at 9:08 a.m.

Respectfully Submitted,

Randee Aleman  
Deputy Clerk to the Board

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

\_\_\_\_\_  
s/ Jon J. Becker  
Jon J. Becker, Chairman

\_\_\_\_\_  
s/ Timothy A. Malone



# COMMISSIONERS PROCEEDINGS 1

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The Board of Morgan County Commissioners met Tuesday, January 28, 2025 at 9:10 a.m. with Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt.

## CITIZEN'S COMMENT

There was no citizen comment provided.

## CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **meeting minutes** dated January 14, 2025.
2. Ratify the Board of County Commissioners approval on assignment of debt collections to **EMS/MC** dated January 19, 2025. Client #241286, #240639, #242529, #242616, #242614, #242553, #242033, #242289, #241220, #243066B, #241616, #241979, #241723, #242643, #242583, #242418, #241870, #242666, #242632, #242290, #242484, #242671, #242545, #242451A, #241408, #241783, #241334, #242464A, #242437, #240637, #242210, #242713, #242563, #242661, #242716, #241782, #242518, #241320, #242467, #241565, #242688, #241673, 240681A, #240431B, #242533, #240398, #242537, #243127, #241507, #243037B, #242569, #242432, #242727B, #241879A, #241306, #241844, #242510A, #242679, #243215, #242579, #242358.
3. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 006 G4 Energy, LLC**, Term of Contract January 15, 2025 through September 31, 2025.
4. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 007 The Jamar Company dba CMS Mechanical**, Term of Contract January 1, 2025 through December 31, 2025.
5. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 008 HDR Engineering, Inc.**, Term of Contract January 1, 2025 through December 31, 2025.
6. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 009 Medical Priority Consultants, Inc. dba Priority Dispatch Corp**, Term of Contract February 1, 2025 through February 1, 2030.
7. **\* Moved to General Business**  
Ratify the Board of County Commissioners approval of **Contract 2025 CNT 010 Harris Engineering Consultants, Inc.**, Term of Contract January 1, 2025 through December 31, 2025. (Twelve-month contract with annual auto renewal)
8. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 011 JMB Hydraulics**, Term of Contract January 1, 2025 through December 31, 2025.
9. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 012 Top Door, LLC.**, Term of Contract January 16, 2025 through December 15, 2025.
10. Ratify the Board of County Commissioners approval of **Contract Renewal 2022 CNT 030 R3 The Jamar Company dba CMS Mechanical**, Term of Contract February 17, 2025 through February 16, 2026.
11. Ratify the Board of County Commissioners approval of **Contract Renewal 2024 CNT 004 R1 Buchanan Welding**, Term of Contract January 1, 2025 through December 31, 2025.
12. Ratify the Board of County Commissioners approval of **Contract Renewal 2024 CNT 005 R1 Wiggins Electric, Inc.**, Term of Contract January 1, 2025 through December 31, 2025.
13. Ratify the Board of County Commissioners approval of **Contract Renewal 2024 CNT 063 R1 Midstream Inc. dba Northern Colorado Refrigeration**, Term of Contract January 1, 2025 through December 31, 2025.
14. Ratify the Board of County Commissioners approval of **Vendor Service Agreement 2025 CNT 013 American Financial Credit Services, Inc.**, Term of Contract January 28, 2025 through termination.

Commissioner Bernhardt made a motion to move item #7 to General Business: Contract 2025 CNT 010 Harris Engineering Consultants, Inc., Term of Contract January 1, 2025 through December 31, 2025. (Twelve-month contract with annual auto renewal) Commissioner Malone seconded the motion, motion passed 3-0.

At this time, Commissioner Bernhardt made a motion to approve items 1-6 and items 8-14 with the removal of item #7 with Commissioner Malone seconded the motion. The motion carried 3-0.

# 2 COMMISSIONERS PROCEEDINGS

## UNFINISHED BUSINESS

### 1. Unfinished Business from BCC Meeting January 7, 2025. Finance Consulting - CFO Selections Colorado, Inc. Consulting Agreement.

Chairman Becker stated that the Finance Consulting is unfinished business from January 7, 2025. Chairman Becker reported that there were three bids submitted. He stated that the company will come into the County take a look at policies and procedures, in the finance department make sure its running smoothly, make sure the department is on track, suggest any hiring that maybe needed. The prior board started this and felt that it was needed.

Commissioner Bernhardt explained that this company would be in house versus the others.

Commissioner Malone made a motion to approve the CFO Selections Colorado, Inc. as a contract for accounting with Commissioner Bernhardt seconding the motion, motion passed 3-0.

## GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

### Consideration of Approval – Morgan County Treasurer and Public Trustee Quarterly Report, 4th Quarter

Morgan County Treasurer and Public Trustee, Robert Sagel presented to the Board the Treasurer and Public Trustee 4th Quarter Report. Mr. Sagel summarized the report and provided documentation reflecting the data.

#### **Morgan County Treasurer and Public Trustee Quarterly Report** 4th Quarter - 2024

	<u>This Quarter</u>	<u>This Year-to-Date</u>	<u>Last Year-to-Date</u>	<u>% Inc/Dec</u>
<u>Tax Collections</u>	\$477,323.85	\$60,557,986.53	\$56,655,361.79	6.89%
<u>Collection % of Taxes</u>	0.78%	99.44%	99.41%	
<u>Treas Fees Earned</u>	\$29,416.66	\$770,878.16	\$673,605.59	14.44%
CD's, T-Bills & Gov Sec	\$30,708,222.98	\$30,708,222.98	\$20,624,320.35	
Banks/Govt Pool Accts	\$56,499,541.53	\$56,499,541.53	\$58,501,307.76	
<u>Total Investments</u>	\$87,207,764.51	\$87,207,764.51	\$79,125,628.11	10.21%
<u>Reserve Accounts</u>	\$15,630,067.59	\$15,630,067.59	\$14,340,546.35	8.99%
<u>Average Daily Balance</u>	\$87,648,775.76	\$86,440,244.20	\$79,845,961.94	8.26%
<u>Interest Earned</u>	\$964,388.02	\$4,080,365.75	\$3,524,621.83	15.77%
<u>Average Interest Rate</u>	4.401%	4.720%	4.414%	
<u>Foreclosure Excess Fees</u>	\$8,830.94	\$17,698.76	\$7,327.80	141.53%
<u>Foreclosure Events</u>				
New Files	16	45	52	-13.46%
Cured	4	11	8	37.50%
Withdrawn	5	29	44	-34.09%
Sold	3	11	12	-8.33%
Deeded	4	11	12	-8.33%
<u>Releases of Deeds of Trust</u>	229	832	763	9.04%

Commissioner Malone made a motion to approve the Morgan County Treasurer and Public Trustee 4th Quarter Report as presented by Morgan County Treasurer and Public Trustee, Robert Sagel, Commissioner Bernhardt seconded the motion. At this time the motion carried 3-0.

### Consideration of Approval – Colorado Department of Transportation Assignment of Easement.

Commissioner Bernhardt made a motion to approve the Colorado Department of Transportation Assignment of Easement with Commissioner Malone seconding the motion. At this time the motion carried 3-0.

### Damion Pechota, National and State Register Historian – Orchard District on State Register

Commissioner Malone made a motion to table the Orchard District on State Register to a later date to when Mr. Pechota is available. Commissioner Bernhardt seconded motion, motion passed 3-0.

# COMMISSIONERS PROCEEDINGS 3

**Bid Tabulation for Bid Request, Fairgrounds Lean-To Structure Project**

Morgan County Building Maintenance, Mike Cox, presented to the Board for approval Bid Tabulation for Bid Request Fairgrounds Lean-To Structure Project. Mr. Cox explained he received two bids, a bid from Buildings by Design in the amount of \$118,937.00 and a bid from Mick Moul’s Modern Builders in the amount of \$126,975.300.

At this time, Mr. Cox recommended the bid be awarded to Buildings by Design, who was the lowest bidder in the amount of \$118, 937.00 and have the roof sheeted with metal. Mr. Cox explained that half of the solar panels will go on this structure and the other half the solar panels will be on a different structure close to this structure. These solar panels are being installed with a DOLA Grant the County received.

Commissioner Bernhardt made a motion to accept the Bid Tabulation for Bid Request Fairgrounds Lean-To Structure Project to Buildings by Design in the amount of \$118,937.00, as recommended by Morgan County Building Maintenance, Mike Cox, with Commissioner Malone seconding the motion. At this time motion carried 3-0.

**Ratify the Board of County Commissioners approval of Contract 2025 CNT 010 Harris Engineering Consultants, Inc., Term of Contract January 1, 2025 through December 31, 2025. (Twelve-month contract with annual auto renewal)**

Commissioner Bernhardt explained the reason this was moved is because there was a conflict with the date of termination versus the automatic renewal. With the 12-month automatic annual renewal there needs to be a termination date of December 31, 2025. Chairman Becker stated that this contract will be through this year 2025 and has one-year renewal.

Commissioner Bernhardt made a motion to approve Contract 2025 CNT 010 Harris Engineering Consultants, Inc., having a date of through December 31, 2025 with one automatic renewal, with Commissioner Malone seconding the motion, motion carried 3-0.

**COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated January 24, 2025 through February 4, 2025 with no changes.

Being no further business the meeting was then adjourned at 9:29 a.m.

Respectfully Submitted,

Randee Aleman  
Deputy Clerk to the Board

(Minutes ratified February 4, 2025)

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

\_\_\_\_\_  
s/Jon J. Becker  
Jon J. Becker, Chairman

\_\_\_\_\_  
s/Timothy A. Malone  
Timothy A. Malone, Commissioner

\_\_\_\_\_  
s/Kelvin S. Bernhardt  
Kelvin S. Bernhardt, Commissioner

(SEAL)  
ATTEST:

\_\_\_\_\_  
s/ Kevin Strauch  
Kevin Strauch

**PUBLIC HEARING**

Chairman Becker called the hearing to order at 9:27 a.m. on Tuesday, January 28<sup>th</sup> 2025 in the Assembly Room of the Morgan County Administration Building.

Chairman Jon Becker, Commissioner Kelvin Bernhardt, and Commissioner Tim Malone were present. Planning Administrator Nicole Hay, Attorney Kathryn Sellars, Planning Technician Jenafer Santos and IT Director Karol Kopetzky were also present.

**NEW BUSINESS: Amended Plat**

**Applicants and Landowners: Steven Myers, Terry Myers, & Randy Myers**

**Legal Description:** Lots 1, 2, and 3 of the Holzworth Minor Subdivision in the NE<sup>1</sup>/<sub>4</sub> of Section 3, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, otherwise known as 15935, 15859, and 15855 Hwy 34, Fort Morgan, CO 80701.

**Request:** Amended Plat to adjust the property lines of lots 1, 2, and 3 of the Holzworth Minor Subdivision to be more equal in acreage.

**APPLICATION OVERVIEW:**

Planning Administrator Nicole Hay read her file summary as follows:

**APPLICANT: Steven Myers**

**LANDOWNERS: Steven Myers, Terry Myers, and Randy Myers**

This application is to amend Lots 1, 2, and 3 of the Holzworth Minor Subdivision in the NE<sup>1</sup>/<sub>4</sub> of Section 3, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, otherwise known as 15935, 15859, and 15855 Hwy 34, Fort Morgan, CO 80701. The purpose of the application is to reconfigure the internal lot lines so the size of Lots 1 and 3 is increased and the size of Lot 2 is reduced.

Subdivision	Property Owner	Existing Acres	Results
Lot 1, Holzworth Minor Subdivision	Steven E. Myers	1.62	3.37 Acres
Lot 2, Holzworth Minor Subdivision	Terry R Myers	8.18	5.33 Acres
Lot 3, Holzworth Minor Subdivision	Randy A. Myers	2.42	3.52 Acres

The property is in the Commercial Zone and in the Fort Morgan Fire District. Currently, West Side Auto is located across the entire subdivision and each lot has a residence. A shared well located on Lot 2 serves every residence. Water line easements have been created on the proposed amended plat and a shared well water agreement will be recorded if the proposed amendment is approved.

Access for all three lots is off of U.S. Highway 34. CDOT requires the east and west driveways to be closed leaving one shared driveway on Lot 2. A 30-foot access easement across Lot 2 for access to Lots 1 and 3 is created through the proposed amended plat and a shared access acknowledgment will be recorded if the proposed amended plat is approved.

In reviewing an application for an amended plat to reconfigure interior lot lines in a previously approved subdivision, the Board of County Commissioners shall apply the criteria as listed from Section 10-200(G)(2) of the Morgan County Subdivision Regulations:

- a) No additional lots will be created by the reconfiguration.
- b) The reconfiguration is keeping with the purpose and intent of these Subdivision Regulations.

- c) The resultant lots will meet the required minimum lot size and lot width of the applicable zoning district. If any of the lots are nonconforming with respect to the minimum lot size or lot width, the reconfiguration must not increase the nonconformity.  
*The minimum lot size for a lot with a well and septic is 2.5 acres. All 3 lots will be larger than 2.5 acres.*
- d) The reconfiguration will not create a nonconforming setback for any existing building.  
*All setbacks from existing buildings are being met.*
- e) Except for those nonconformities addressed in subsection (c) above, the resultant lots will meet the requirements of the applicable zone district, including those requirements in Table 1 of Appendix B of the County's Zoning Regulations.
- f) The reconfiguration will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.
- g) The reconfiguration is consistent with the goals and policies of the County's Comprehensive Plan.

The proposed Myers Amended Plat adequately renumbers the lots as 1A, 2A, and 3A.

Nicole Hay  
Morgan County Planning Administrator

**DISCUSSION: Board of County Commissioners to applicant:**

**Chairman Becker** asked Nicole Hay to explain the driveway's further. Who would maintain that access that they will all be using?

**Nicole Hay** explained the driveways and the current permitting. The County has a shared access acknowledgement that they will sign, and any easements are up to the applicants to address.

**Commissioner Malone** asked if it was a CDOT request for the accesses to be combined into one or was it an applicant request?

**Nicole Hay** said it was a CDOT request.

At this time, Chairman Becker asked the applicant if there is anything they would like to add to the application. Steve Myers presented this application to the Board of County Commissioners.

**Chairman Becker** asked if they had an agreement for how that will be maintained?

**Steve Myers** said the cost would be split among the 3 owners.

**Chairman Becker** asked if the current well on the property is good? Has the state signed off on the well?

**Steve Myers** said yes it is, and they have a shared well agreement.

**Nicole Hay** mentioned that the agreement would be recorded with the plat. She also confirmed that the state has signed off on the use of the shared well.

**PUBLIC COMMENT OPEN: None**

**PUBLIC COMMENT CLOSED:**

**BOARD OF COUNTY COMMISSIONER COMMENTS:**

**Commissioner Malone** motioned to accept the Amended Plat as presented.

**Commissioner Bernhardt** seconded.

**Motion carries, 3-0.**

**NEW BUSINESS: Amended Special Use**

**Applicants and Landowner:** 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 6<sup>th</sup> P.M., Morgan County, Colorado. Also known as 14940 CO RD 24, Brush, CO 80723.

**Request:** To modify the existing Special Use Permit to convert Pawnee Power Station from Coal to a Gas Electric Generating Station.

**APPLICATION OVERVIEW:**

Planning Administrator Nicole Hay read her file summary as follows:

**APPLICANT and LANDOWNER: Public Service Company of Colorado (Xcel Energy)**

Public Service Company of Colorado (PSCo) has submitted an application to amend its special use permit, which was originally approved on October 12, 1976. The original SUP was issued for major facility of a public utility and has been amended several times to include new facilities on the property related to the Pawnee Station. The amendment would allow for the conversion of the existing coal fueled electric generation facility (Pawnee Station) and repowering it with natural gas. In addition, PSCo seeks the amendment to include options of blending hydrogen and other alternative fuels in the future at the generation facility. Pawnee Station is currently operating as a 505MW net capacity coal fired, steam-electric generating station and the conversion to natural gas will maintain the 505MW capacity. This conversion will assist both PSCo and the State of Colorado in achieving the reduction of carbon emissions by over 80 percent by 2030.

The current permitted area is the W1/2SE1/4 and the W1/2, except a one-acre parcel of Section 17, the E1/2 of Section 18, Section 19 except a 400-foot by 600-foot parcel in the northwest corner, and the W1/2 of Section 20, all in Township 3 North, Range 56 West of the 6<sup>th</sup> PM, Morgan County, Colorado. The permitted area is approximately 1,650 acres and zoned Heavy Industrial.

One aspect of the proposed amendment is to expand the permitted area to include the majority of the property owned by PSCo. This would increase the acreage to approximately 2,187 acres but also remove 2 parcels in Section 19, which contain the ManChief Electric Generating Station. The ManChief Electric Generating Station is subject to a separate 1041 permit issued by the County in 1999. The additional acreage is zoned Agricultural Production.

The permitted area, both the current area and the proposed addition, is not currently included within a fire protection district. PSCo had a service agreement with the Brush Rural Fire Protection District; however, that agreement has expired. In its application, PSCo represents that it is currently negotiating a new agreement with Fire Protection District to be completed by June 2025 and a copy will be provided to the County. However, upon a request for additional information on the status of the agreement, Brush Rural Fire Protection District informed the County that PSCo's intends to include. Brush Rural Fire Protection District is also willing to honor the expired agreement until the inclusion is completed. See referral response.

Other components of this conversion project include:

- Modification of the Pawnee Regulator Station to supply fuel to the Pawnee Station.
- Construction of 1,300 LF of new 10-inch and 700 LF of 20-inch pipeline to supply gas to Pawnee Station.
- Retirement and decommissioning of coal and ash handling equipment.
- The construction of a new 75 foot by 150 foot (13,125 SF) aboveground water treatment facility.
- A temporary laydown yard of approximately 3.47 acres.

Unrelated to the conversion is the expansion of the substation area approximately 60 feet west for additional interconnection.



The overall conversion and construction would start in early 2025 to allow an in-service date by January 1, 2026.

The haul route proposed is from I-76 to County Road 24 south approximately 3-1/2 miles to the current site access. Morgan County Road and Bridge Department has a budgeted project for 2025 for County Road 24, which includes the portion of County Road 24 from I-76 to State Highway 34. The project is a 3-inch asphalt overlay and milling of bridge deck in the segment of road.

During construction by PSCo, onsite activity is expected to take place between the hours of 6 a.m. and 5 p.m., Monday through Friday and the workforce would average of 50 workers up to 100 workers during the peak of construction.

In addition to the permit application, packets for the Planning Commission hearing include referral responses from CPW and PSCo.

Lastly, this application is subject to certain provisions of state law related to major electrical or natural gas facilities. Pursuant to C.R.S. § 29-20-108, a local government must act on a final application for the location, construction, or improvement of major electrical or natural gas facilities by a public utility or a power authority within 90 days of the complete submission of the final application. In the case of this application, the County must take final action by March 6<sup>th</sup>. If the County does not take final action by that date, the application will be deemed approved.

#### Review

In reviewing these applications, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-455 of the Morgan County Zoning Regulations have been satisfied.

Section 2-455 Special Use Permit Criteria:

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. The property is located in the southeast planning area.

#### Chapter 2 – Plan Summary

##### E.2 -- Public Facilities and Services

Goal – To develop essential public facilities and services which contribute to providing a high quality of life for residents of Morgan County.

*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, 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 Section 2-470 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.

*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 construction site is more than half a mile from the nearest residence.*
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulation, whichever is the strictest.  
*The project will have minimal impacts on surrounding adjacent uses as the facility already exists and the conversion will increase generation efficiency and reduce greenhouse gas emissions. However, to ensure public safety and due to the location of the project, a fire services agreement with the nearest Fire Protection District must be in place prior to construction and during the period PSCo operates its facilities under the special use permit and any amendments.*
- (G) The special use proposed is not planned 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.  
*The project serves as an integral part of Xcel Energy's February 2021 Colorado Clean Energy Plan, updated in April 2022.*
- (I) For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.  
*Existing on-site resources of potable water for human consumption will be maintained.*

As stated above, in 1976, the special use permit was approved as a major facility of a public utility without reference to the means of power generation. Staff is recommending that the description of the use be revised to "major facility of public utility, specifically as a natural gas-powered electric generation facility." If PSCo decides to use other fuel other than natural gas, a major amendment to this amendment would be required.

The following conditions are recommended if the amendment to the special use permit is approved:

1. All necessary land use, environmental, and construction permits, approvals and authorizations will be obtained prior to the start of and during construction 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.
2. 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.

3. The Brush Rural Fire Protection District will continue to operate under the 2012 Fire Service Agreement with PSCo until the completion of the inclusion process. Within 120 days of the date of the approval of the amendment to the Permit, PSCo shall provide an updated agreement or a copy of the inclusion order for the property to the County. While all periods PSCo is conducting activities on the Property pursuant to its special use permit or any amendments to that 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.
4. Prior the commencement of construction, PSCo will enter into a road use agreement for the use of any public road during construction which shall include the following terms and elements:
  - a. A map showing which County roads will be used during construction.
  - b. A pre-construction baseline survey or inventory of the road condition of County Road 24 from the south side of Highway 34 to the entrance of the Property, obtained by PSCo at its sole expense.
  - c. Within 30 days of written notice by the County of the completion of the County Road 24 overlay project, PSCo, at its sole expense, will be required to complete a baseline survey or inventory of the road condition of County Road 24 from the south side of I-76 to the north side of Highway 34.
  - d. After completion of the conversion project, PSCo will be required to submit a post-construction survey of County Road 24 from the south side of I-76 to the entrance onto the Property.
  - e. A mitigation plan to address traffic congestion, control, and potential impacts to County roads to be used during construction.
  - f. A requirement that the PSCo return County Road 24 from the south side of Highway 34 to the entrance to the Property to its pre-construction condition. A requirement that PSCo return County Road 24 south of I-76 to the north side of Highway 34 to the condition presented after the County's overlay project as demonstrated by PSCo's survey provided after the completion of the County's overlay project.
  - g. 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 PSCo is not in default of any provision of the road use agreement. The County shall inspect the restored roads and PSCo 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. PSCo shall be responsible for correcting or properly completing the restoration.
  - f. The residual fifteen percent (15%) retained by the County shall act as security for PSCo's guarantee that the restoration remains free of defect during a two-year warranty period. PSCo 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.

5. PSCo 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.
6. PSCo shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
7. PSCo shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice PSCo for costs and fees and payment will be due by PSCo within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.

This application was considered by the Planning Commission in a public hearing January 21, 2025.

The Planning Commission recommended approval on a vote of 7 in favor and 0 opposed.

Since the Planning Commission hearing held last week, PSCo requested that this major amendment include the ability to introduce a blend of hydrogen or other alternative fuels without another major amendment. It has suggested that the conditions of the permit allow for introduction of hydrogen or other fuel blends less than or equal to 30% of the fuel utilized for power generation at any given time, either through a minor amendment or a notice requirement to the County. If the Board would like consider such a condition, here is some potential language:

PSCo may incorporate hydrogen or other fuel blends up to or equal to 30% of the fuel utilized for power generation at any given time upon approval of a minor amendment to this 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 process pursuant to the applicable process at the time of the amendment application.

Nicole Hay,  
Morgan County Planning Administrator

**DISCUSSION: Board of County Commissioners to applicant:**

**Nicole Hay** explained further what is proposed for the road use agreement. She also explained that the NE1/4 is owned by another entity and the applicants will need to speak on how they would like to take care of that ownership discrepancy.

**Chairman Becker** asked if the 30% is in addition to what they currently use, or if it would be of the current 550 power that is currently approved?

**Nicole Hay** explained this permit is strictly for the conversion to natural gas. The process of the minor amendment that they would be requesting is if they change 30% of natural gas to a blend of some sort.

At this time, Chairman Becker asked the applicant if there is anything they would like to add to the application. Hans Rodvik, Area Manager, 1500 6<sup>th</sup> Ave, Greeley presented this application to the Board of County Commissioners.

**Kalan Falbo, ROW & Permitting Specialist, 1123 W 3<sup>rd</sup> Ave, Denver** added that they intended to include the ability to blend hydrogen or other alternative fuels in this major amendment.

**Commissioner Malone** asked if the construction laydown yard materials will be brought in by rail or by road?

**Justin Muehlbauer, Project Manager, 1800 Larimer St., Denver** confirmed that it would mostly be by road.

**Richard Ferguson, Reliability Engineering Manager, 1022 E. 6<sup>th</sup> Ave, Fort Morgan** explained that they are still accepting coal shipments, so it would make shipments for materials by rail difficult.

**Commissioner Bernhardt** asked what the plan is for the coal and ash equipment once its decommissioned?

**Richard Ferguson** answered that there are environmental requirements with CCR and EPA on how the coal removal and equipment is to be cleaned. The ash needs to be in a CCR regulated landfill. In 2026, all of the coal that is still on site will be removed and placed in the CCR landfill on site. He then explained the water treatment facility processes.

**Chairman Becker** asked who regulates those landfills? Once the coal is cleaned up, will they certify that it is completed and will Xcel provide that certification to the County?

**Richard Ferguson** said that it's regulated by the EPA and CDPHE. They will provide certifications to the County.

**Chairman Becker** asked for an explanation on the traffic, and what the exact numbers of traffic will increase on CR 24?

**Justin Muehlbauer** answered that its mostly traffic vehicles. He then explained the timeline of the traffic counts. The heavy hauls will come through during the summertime.

**Richard Ferguson** added that during September – January, all normal shipment deliveries will stop.

**Chairman Becker** asked if there were any discussions with CDOT regarding the intersection at HWY 34 and CR 26?

**Justin Muehlbauer**, “Not to my knowledge.”

**Chairman Becker** asked if Xcel is still considering a hydrogen project, even though a grant was not funded for it?

**Justin Muehlbauer** said that there is a lot of interest in hydrogen. The language was added in there to keep their options open.

**Richard Ferguson** added if they did do hydrogen, it would be brought in by pipeline?

**Nicole Hay** asked if they are also asking for permission for that pipeline to be installed?

**Richard Ferguson** clarified that it would be using the existing pipeline.

**Commissioner Malone** asked if the employee numbers would be the same after conversion?

**Richard Ferguson** stated they would be slightly decreased.

**Chairman Becker** asked the applicants where they are at with the Brush Fire Department?

**Hans Rodvik** stated they are in negotiations and are in process to bring the project into the Brush Fire District as opposed to a standalone contract.

**Nicole Hay** asked for clarification on what they want to do with Section 17 and the NE1/4.

**Kalan Falbo** believes it is owned by PSCo.

**Attorney Kathryn Sellars** stated that if that is the case, the County will want updated title work.

**Chairman Becker** asked if Brush needed to be involved regarding their water reserves that are sitting in the aquifer near Pawnee?

**Nicole Hay**, “Not that I’m aware of.”

**Public Works Director Bruce Bass** explained the road project that is budgeted for 2025. He is unsure of timing as they leave it open for the asphalt companies to set the schedule. They typically get their asphalt around June. They will likely be in the segment in question for about a week, but there will be road

closures due to the maintenance on the bridge. He asked Xcel what the loads of the trucks are going to be?

**Justin Muehlbauer** said they are oversized, 12 feet wide, longer than a 50 foot trailer.

**Chairman Becker** clarified for the record that road projects were spoken about yesterday, not specifically Xcel Energy project.

**Bruce Bass** said once the road project is completed, their vehicles shouldn't be an issue. That's the reason they are asking for the preliminary road inventory to document the condition of the road including new asphalt. He asked Xcel if there is going to be any aggregate materials imported to the site? What about water trucks? It wasn't defined in their application.

**Justin Muehlbauer** said they are bringing in some engineered fill, but they are still designing and it hasn't been finalized yet.

**Richard Ferguson** clarified that they are going to try and utilize as much as they have on site. He also explained that the water trucks are bringing in wastewater into their Evap. Pond D., which was approved last year.

**Chairman Becker** is concerned with the construction project, if their haul route will change. He then asked the Road and Bridge department if it's better to delay the road project or if they will keep their timelines?

**Attorney Kathryn Sellars** asked if the County keeps its road project, is there a possibility that Xcel's haul route would have to change due to road closures?

**Bruce Bass** confirmed that it is a possibility.

**Chairman Becker** suggested pushing the road project until next year.

**James Rehn, Bridge Manager** stated that all they are doing to the bridge is milling it to decrease the dead load. He believes the road in its current condition would be fine for another year.

**Commissioner Malone** asked if there is a difference between super loads or over width trucks?

**Bruce Bass** stated the over width trucks is what they are the most concerned about.

**Nicole Hay** asked for clarification from the applicants about their request to do dirt work.

**Kalan Falbo** asked for preliminary site preparation including setting up the laydown yard and implementing the stormwater abatement. It would be minor dirt work, and most of the equipment that would be required would be used daily on site.

**Attorney Kathryn Sellars** clarified that the County typically considers any earthwork construction and requires a road use agreement to be in place before that.

**Commissioner Malone** asked about the statement regarding rezoning if the property is not used for coal fire or an electrical generating system.

**Attorney Kathryn Sellars** said the Commissioners reserve the right to rezone it to Ag. It is not an automatic rezoning.

**PUBLIC COMMENT OPEN: None**

**PUBLIC COMMENT CLOSED:**

#### **BOARD OF COUNTY COMMISSIONER COMMENTS:**

**Chairman Becker** is concerned about the baseline study for the roads. There needs to be a condition added regarding the verification of ownership in the NE1/4 of Section 17. He is wanting to assure that the applicants stay at the table with the Brush Fire District.

**Commissioner Malone** motioned to continue the hearing based on some of the conditions mentioned to be more solidified.

**Attorney Kathryn Sellars** stated the conditions in question are: Add the condition that they have to prove ownership or possession of the entire property which includes that NE1/4 of Section 17 and add the blended fuel language. She also clarified that the applicants are requesting to set up their laydown area, getting the site ready for storm water abatement, no materials will be hauled off the property, and grading of the foundation.

**Chairman Becker** asked the applicants if there will be another option for renewal in 2040?  
**Richard Ferguson** stated the life of the plant has always been 2041. He also mentioned that they cannot operate how they currently are past 2026 per the State regulatory.

**Commissioner Bernhardt** seconded Commissioner Malone’s motion.

**Attorney Kathryn Sellars** clarified that if the Board allowed the applicants to do that preliminary work, the road use agreement wording would need to be updated.

**Commissioner Malone** amended his original motion to continue the public hearing to February 4<sup>th</sup>, 2025.

**Commissioner Bernhardt** seconded.

The Board agreed on allowing Xcel to do preliminary dirt work as previously clarified.

**Motion carries, 3-0.**

Being no further business the meeting was then adjourned at 11:06 a.m.

Respectfully Submitted,  
Jenafer Santos  
Planning Technician

**(Minutes ratified February 11, 2025)**

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

\_\_\_\_\_ s/Jon J. Becker

Jon J. Becker, Chairman

\_\_\_\_\_ s/Timothy A. Malone

Timothy A. Malone, Commissioner

\_\_\_\_\_ s/Kelvin S. Bernhardt

Kelvin S. Bernhardt, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_ s/ Kevin Strauch

Kevin Strauch