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BOARD OF MORGAN COUNTY COMMISSIONERS

Minutes of Meeting

October 7, 2014

The Board of Morgan County Commissioners met on Tuesday, October 7, 2014 at 9:00 a.m. with Chairman Jim Zwetzig, Commissioner Brian McCracken and Commissioner Laura Teague in attendance. Chairman Zwetzig called the meeting to order with News Director Jen So from KFTM Radio Station leading the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Consideration of Approval of the Board of County Commissioners Meeting Minutes dated September 30, 2014
Ratify Chairman James Zwetzig's signature on the VALE Grant Application, dated September 26, 2014
Ratify Chairman James Zwetzig's signature on the Morgan County Department of Solid Waste Management Special Waste Acceptance Application – applicant being NCB, LLC (Peter Nordstrom) dated October 2, 2014

Commissioner McCracken made a motion to approve all items on the Consent Agenda. Commissioner Teague seconded the motion. Motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT-2014 PMT 32-MORGAN COUNTY QUALITY WATER DISTRICT

Morgan County Road Supervisor John Goodman presented to the Board for approval Right of Way Permit 2014 PMT 32 to allow Morgan County Quality Water District to trench on the west side in the right of way of Morgan County Road 19, Fort Morgan, CO to install new water service. Goodman noted an inspection had been done and the fees are attached. Commissioner Teague made a motion to approve Right of Way Permit 2014 PMT 32 for Morgan County Quality Water District to trench on the west side in the right of way of County Road 19 and authorize the Chairman to sign. Commissioner McCracken seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT-2014 PMT 33-CITY OF FORT MORGAN

Morgan County Road Supervisor John Goodman presented to the Board for approval Right of Way Permit 2014 PMT 33 to allow the City of Fort Morgan to dig in the right of way to install new gas service to 15470 Morgan County Road R, Fort Morgan, CO from an existing four inch polyethelene main line. Goodman noted the location of the starting point is approximately four tenths of a mile east of County Road 15 on the south side of County Road R. Goodman reported an inspection had been done and the fees are attached. Commissioner McCracken made a motion to approve Right of Way Permit 2014 PMT 33 with the City of Fort Morgan to dig in the right of way to install new gas service and authorize the Chairman to sign. Commissioner Teague seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-2014 CNT 121-MORGAN COUNTY SCHOOL DISTRICT RE-3

Morgan County Information Systems Manager Karol Kopetzky presented to the Board for approval the Memorandum of Understanding between Morgan County School District RE-3 and Morgan County for internet service which the County shares with the school district and outlines the cost the County will incur. Kopetzky noted the new provider is Eaglenet who will install and maintain a six hundred megabyte internet connection. Kopetzky stated the County's allocation of service is \$246.08 per month compared to \$327.00 with the old provider. Kopetzky reported the school district pays 91.68% and Morgan County pays 8.32%. Kopetzky noted the term of the contract runs from March 12, 2014 to June 30, 2018. Commissioner Teague made a motion to approve Contract 2014 CNT 121 with Morgan County School District RE-3 to provide internet service to Morgan County in the amount of \$246.08 per month with the term of the contract running from March 12, 2014 to June 30, 2018 and authorize the Chairman to sign. Commissioner McCracken seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-2014 CNT 122-KONICA MINOLTA BUSINESS SOLUTIONS

Morgan County Information Systems Manager Karol Kopetzky presented to the Board for approval the purchase and delivery of four copy machines from Konica Minolta Business Solutions in the amount of \$20,698.00. Morgan County Administrative Services Manager Susan Bailey stated the contract outlines the maintenance plan and costs as well. Commissioner McCracken made a motion to approve Contract 2014 CNT 122 with Konica Minolta Business Solutions for the purchase of four copiers in the amount of \$20,698.00 with the term of the contract effective upon purchase and delivery of the machines. Commissioner Teague seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-2014 CNT 123-HART INTERCIVIC

Morgan County Clerk and Recorder Connie Ingmire asked that Contract 2014 CNT 123 with Hart Intercivic be tabled in order to receive additional information before proceeding. Commissioner Teague made a motion to approve to table Contract 2014 CNT 123 with Hart Intercivic until further information is received. Commissioner McCracken seconded the motion. Motion carried 3-0.

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CONSIDERATION OF APPROVAL-BID AWARD-FUEL BID 2014-1002

Morgan County Public Works Director Bruce Bass presented to the Board for approval Bid Award 2014-1002 for #2 diesel fuel and unleaded fuel delivered to various Morgan County facilities based on the Denver rack price. Bass stated one bid was submitted which was from Hill Petroleum for delivery of #2 diesel fuel to all sites for \$7,881.60 and \$3,698.50 for unleaded fuel for a total of \$11,580.10. Bass noted the bid amount is the same as the one in April 2014. Bass recommended Hill Petroleum for a total bid amount of \$11,580.10. Commissioner McCracken moved to approve Fuel Bid Award 2014-1002 to Hill Petroleum noting the bid amount was the same as the one in April 2014. Commissioner Teague seconded the motion. Motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Treasurer and Public Trustee Bob Sagel presented to the Board for approval the Morgan County Treasurer's Third Quarter Report for 2014. Sagel reported the collection percentage on property tax is at 99.41% up 1.89% from last year. Treasurer's fees earned are up with total investments of \$41,898,304.11 based on an average daily balance of \$40,785,428.10. Interest earned is up by 73.56% this year to date with an average interest rate of 0.474%. Foreclosure excess fees are down from last year by 56.98% due to new filings being down by 37.93%. New files and withdrawals are down, the releases of deeds of trusts are down by 32.37% from last year and the total of all reserved accounts is at \$7,170,193.74 which is up by 14.07% from last year. Commissioner Teague made a motion to approve the Morgan County Treasurer's Third Quarter Report for 2014 and authorize the Chairman to sign. Commissioner McCracken seconded the motion. Motion carried 3-0.

Commissioners reviewed the calendar dated October 3, 2014 through October 14, 2014 with changes.

LIQUOR LICENSES

HOTEL AND RESTAURANT LIQUOR LICENSE-RENEWAL APPLICATION-CASCADE HOTELS INC DBA CLARION INN

Public Hearing opened at 9:23 a.m.

Morgan County Clerk and Recorder Connie Ingmire presented to the Board for approval the renewal of a Hotel and Restaurant Liquor License Renewal Application for Cascade Hotels, Inc. doing business as Clarion Inn Fort Morgan located at 14378 Highway 34, Fort Morgan, CO. Ingmire noted the license expires December 16, 2014. Ingmire stated the fees are attached and the application was complete. Morgan County Sheriff Jim Crone had nothing negative to report. There was no public comment. Public Hearing closed at 9:25 a.m. Commissioner McCracken made a motion to approve the application for renewal of a Hotel and Restaurant Liquor License Renewal Application for Cascade Hotels, Inc. doing business as Clarion Inn Fort Morgan noting the fees are attached and authorize the Chairman to sign. Commissioner Teague seconded the motion. Motion carried 3-0.

RETAIL LIQUOR LICENSE-RENEWAL APPLICATION-ROBADA LLC DBA HIGH PLAINS LIQUOR

Morgan County Clerk and Recorder Connie Ingmire asked that the Retail Liquor License Renewal Application for Robada LLC dba High Plains Liquor be tabled to the next Board of Morgan County Commissioners meeting in order to obtain additional information. Commissioner Teague made a motion to table the Retail Liquor License Renewal Application for Robada LLC dba High Plains Liquor. Commissioner McCracken seconded the motion. Motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT PERIOD

There were no citizen comments.

We hereby adjourn and are in recess at 9:29 a.m.

Respectfully submitted,

Dee Loose
Deputy Clerk to the Board

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

s/Jim Zwetzig
Jim Zwetzig, Chairman

s/Brian McCracken
Brian McCracken, Commissioner

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s/Laura Teague

Laura Teague, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire

Connie Ingmire, Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS SEPTEMBER 30, 2014 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, September 30, 2014 at 9:30 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners Laura Teague, Brian McCracken and James P. Zwetzig. Also present were John Crosthwait, Planning Administrator; and Andy Blake, Planning Building Official, and Susan Bailey, Administrative Services Manager for Morgan County.

The hearing was called to order by Chairman Commissioner Zwetzig.

NEW BUSINESS:

APPLICANT: FOUR X RANCH, INC.

LANDOWNER: SAME

Application for Use by Special Review located in the W1/2, W1/2E1/2, SE1/4NE1/4 and E1/2SE1/4 of Section 15, Township 5 North, Range 57 West of the 6th P.M., Morgan County, Colorado, and located 1.4 miles North of Co Rd AA and East of Co Rd 21, Fort Morgan, Colorado 80701.

Martin Christensen of Four X Ranch, Inc. and Phil Brink, an engineer from Fort Collins, were present to represent this application.

John Crosthwait presented the file as follows:

The applicants want to permit an aggregate mining operation consisting of approximately 33.14 acres. The applicant has also submitted application to the Division of Reclamation, Mining and Safety for a 112 Construction Materials Reclamation Permit, File No. M-2014-033. It appears that the Department of Natural Resources will make an affirmative decision on this application on September 22, 2014, barring any unforeseen objections. The location is currently range land.

The application is complete and does address environmental impacts and mitigation measures. Access to the proposed site has been reviewed by the Morgan County Road and Bridge Department, and a letter is in the file indicating that there is no objection to the use of a new driveway.

All appropriate notices, posting and publication requirements have been met. Property is Zoned "A" Agriculture. Site is not in the floodplain. Taxes are paid.

John Crosthwait recommended approval of this application conditioned on the approval of the 112c Permit from the Colorado Division of Natural Resources.

Martin Christensen and Phil Brink reviewed the file for the Board stating this was a mining permit. They expect final approval from the Department of Natural Resources by September 22, 2014. Martin Christensen stated the closest neighbors to be Gil Priemel (south and west) and Wildcat Dairy (south); and the State of Colorado owns property to the west.

Discussion: Commissioner Teague asked about water availability for dust control. Martin Christensen said that well water was available from a well he owns three miles south of the location, and will be used for dust control. Commissioner Teague also asked about the roads to this location. Phil Brink stated that he received no comment from the Morgan County road and Bridge Department, and does not anticipate any huge impacts to the roads.

Commissioner Zwetzig said that the main concern with mining operations is heavy road traffic and dust. Planning Administrator Crosthwait stated that Martin Christensen does have a Conditional Use Permit for aggregate mining operated by Castle Rock Construction Company, and that dust and road condition mitigation was a condition evoked with this permit for mining aggregate for a single public road project, and that a similar condition would be reasonable for this Special Use permit. Commissioner Zwetzig stated that he may not anticipate heavy traffic similar

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to the Castle Rock Construction Company project, however if there should be a large project, the applicant should mitigate dust and road damage, and make that a condition of this permit.

Discussion followed as to what would be the trigger or threshold in place that would require road damage and dust mitigation. Christensen stated that at busy times, Castle Rock Construction Company was taking 50 loads per day, and that the company was watering the road, and repairing road damage. Commissioner Zwetzig stated that he believed that the threshold or trigger should be somewhat similar to the traffic from the Castle Rock Construction Company project. Commissioner McCracken stated that if the County were to take aggregate from this site, they would take 15-20 loads per day. It was agreed that if for an extended period of time, there would be more than 20 loads per day, then road mitigation will be required. Commissioner Teague wanted the condition of road mitigation to be clear, and not make it difficult for the permit holder and the Board of County Commissioners. Discussion followed as to what trigger to put in place, and how to appropriately take care of the road for those citizens who live along this roadway. Discussion was held how to appropriately handle citizen complaints. The Board of County Commissioners thought that it would be appropriate that the Morgan County Road and Bridge Department assess the road conditions, and make the determination as to the required mitigation by the applicant .

Commissioner Zwetzig stressed that the motion also include the condition that the applicant fulfill the requirement of financial warranty of \$121,600.00 as required by the State Division of Reclamation, Mining and Safety.

There was no public present to speak in favor of or in opposition to this application.

It was moved Commissioner Teague and seconded by Commissioner McCracken to approve an Application for a Use by Special Review for Four X Ranch, Inc. to permit an aggregate mining operation located in the W1/2, W1/2E1/2, SE1/4NE1/4 and E1/2SE1/4 of Section 15, Township 5 North, Range 57 West of the 6th P.M., Morgan County, Colorado, and located 1.4 miles North of Co Rd AA and East of Co Rd 21, Fort Morgan, Colorado 80701 with the following conditions:

1. The applicant or his successor in interest is required to mitigate any road damage or conduct dust abatement as determined necessary by the Morgan County Road and Bridge Department for any large single project at the threshold of thirty (30) truck loads per day.
2. The applicant, as a requirement of this permit, furnish the required financial warranty in the amount of \$121,600.00 as required by the Colorado Division of Reclamation, Mining and Safety.
3. The State of Colorado Division of Reclamation, Mining and Safety issue a 112c mining permit, File M-2014-033.

Motion carried 3-0.

Motion carried 3-0, becoming Resolution #2014BCC 31, see below.

There being no further business, the meeting was adjourned.

Respectfully submitted,
John Crosthwait, Planning Administrator

RESOLUTION 2014 BCC 31

A RESOLUTION GRANTING A USE BY SPECIAL REVIEW FOR AN AGGREGATE MINING PERMIT LOCATED IN THE W1/2, W1/2E1/2, SE1/4NE1/4 AND E1/2SE1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO

WHEREAS, on September 30, 2014, the Board of County Commissioners of Morgan County, Colorado held a public hearing pursuant to the Morgan County Zoning Regulations on the application of Four X Ranch, for a Special Use Permit for the mining of aggregate material on a parcel of land located in the W1/2, W1/2E1/2, SE1/4NE1/4 and E1/2SE1/4 of Section 15, Township 5 North, Range 57 West of the 6th P.M., Morgan county, Colorado. The property is located 1.4 miles North of County Road AA and East of County Road 21, Fort Morgan, Colorado 80701, and

WHEREAS, notice of the public hearing was properly published and the subject property was properly posted, and

WHEREAS, the Board of County Commissioners received testimony and evidence from the applicant, and

WHEREAS, there was no public testimony or comment regarding this application, and

WHEREAS, the Board of County Commissioners received testimony of the Morgan County Planning Administrator who recommended approval of the application, and

WHEREAS, the Morgan County Planning Commission recommended approval of this application.

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

1. APPROVAL:

The application of FOUR X RANCH for a Special Use Permit for the mining of aggregate on a parcel located in the W1/2, W1/2E1/2, SE1/4NE1/4 and E1/2SE1/4 of Section 15, Township 5 North, Range 57 West of the 6th P.M., Morgan County, Colorado is hereby granted.

2. FINDING OF FACT:

- a. The use and location proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:
 - i. The proposed use is compatible with existing land uses and there is access to established public infrastructure.
 - ii. The proposed use provides for the orderly development of public and private infrastructure by providing a source of gravel and fill material.
 - iii. The proposed use will enhance the condition and repair of the road net in the rural areas of the county and will improve the efficiency of the transportation in the County.
- b. The application documents are complete and present a clear picture of how the use is to be arranged on the site.
- c. All on and off-site impacts have been satisfactorily mitigated. Required mitigation measures shall include, but not limited to the following:
 - i. This permit is for the mining of aggregate and related materials.
 - ii. The Right to Farm Policy as adopted by the Morgan County Board of County Commissioners by Resolution #96 BCC 41 on July 23, 1996, and amended by Resolution 2008 BCC 34 on September 2, 2008 has been signed by the applicant.
 - iii. Access to the property has been granted by the Morgan County Road and Bridge Department.
- d. The Special Use proposed has been made compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography.
- e. The Special Use poses no or minimal risk to the public health, safety and welfare.
- f. The Special Use proposed is not planned to be developed on a nonconforming parcel of land.
- g. The applicant has adequately documented a public need for the project which will provide materials for public and private infrastructure projects. The applicant has submitted all pertinent technical information, has demonstrated that he has adequate financial resources to implement the project, and has paid all fees and review costs.

3. ADDITIONAL CONDITIONS:

- a. This permit is specifically conditioned on all information presented in the application being followed. All information contained in the application or presented by the applicant at public hearings is deemed to be a portion of this permit and must be followed.
- b. The applicant or his successor in interest is required to mitigate county road damage or conduct dust abatement as determined necessary by the Morgan County Road and Bridge Department for any large single project at the threshold of thirty (30) truck loads per day.
- c. Financial warranty in the amount of \$121,600.00 as required by the Colorado Division of Reclamation, Mining and Safety is required to be in place as a condition of this permit.

4. GENERAL PROVISIONS:

- a. The Board of County Commissioners retain authority and continuing jurisdiction to address future problems with the conditions of this permit and the right to inspect this site at any reasonable time by county personnel.
- b. The applicant is responsible for complying with all the foregoing requirements, conditions and design standards. Noncompliance with any of the foregoing requirements, conditions or design standards may be reason for revocation of this permit by the Board of County Commissioners after notice to the applicant or his successors in interest and public hearing.

DATED this 30th day of September, 2014

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THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

s/Jim Zwetzig

Jim Zwetzig, Chairman

s/Brian McCracken

Brian McCracken, Commissioner

s/Laura Teague

Laura Teague, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire

Connie Ingmire, Clerk to the Board