

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

### Minutes of Meeting

November 22, 2016

The Board of Morgan County Commissioners met on November 22, 2016 at 9:01 a.m. with Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Chair Laura Teague called the meeting to order and asked Morgan County Ambulance Director Joe King to lead the meeting in the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

Ratify the Board of County Commissioners approval of Executive Session Meeting Minutes dated November 9, 2016

Ratify the Board of County Commissioners approval of Meeting Minutes dated November 15, 2016

Ratify the Board of County Commissioners approval of Contract 2016 CNT 209, BidNet, national website used for posting of RFPs, (corrected contract number from 11/15/16), Term of Contract October 1, 2016 through September 30, 2017

Ratify the Board of County Commissioners approval of Contract 2016 CNT 210, S & B Refrigeration HVAC, repair cooler in the Event Center at Fairgrounds, Term of Contract October 31, 2016

Ratify the Board of County Commissioners approval of Contract 2016 CNT 211, ALS Environmental, lab analytical services, Term of Contract January 1, 2017 through December 31, 2017

Ratify the Board of County Commissioners approval of Contract 2016 CNT 212, Waste Management of NE Colorado, corrugated cardboard recycling, Term of January 1, 2017 through December 31, 2017

Ratify the Board of County Commissioners approval of Contract 2016 CNT 213, Viaero Wireless, cellular telephone service for Morgan County Departments, Term of Contract December 2, 2016 through December 1, 2017

Ratify Chair Laura Teague's signature on the credit application for the Greeley Tribune dated on November 16, 2016

Commissioner McCracken made a motion to approve all items on the Consent Agenda as presented. Commissioner Zwetzig seconded the motion and the motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval – RIGHT OF WAY PERMIT - 2016 PMT 38 – Xcel Energy**

Morgan County Road Supervisor John Goodman presented to the Board for approval, a Right of Way Permit 2016 PMT 38, with Xcel Energy. Mr. Goodman stated this Right of Way Permit is to cross overhead of County Road W starting on the south side of County Road W approximately 600 feet east of County Road 31 to replace a pole on the north side of County Road W and install an additional pole on the south side of County Road W for the purpose of servicing a pivot on the south side of County Road W. He stated the fees are attached in the amount of \$200.00 and the location has been inspected.

Commissioner Zwetzig made a motion to approve Right of Way Permit 2016 PMT 38 with Xcel Energy as outlined on the permit and authorized the Chair to sign. Commissioner McCracken seconded the motion and motion carried 3-0.

#### **Consideration of Approval - CONTRACT - 2016 CNT 214 – Dominion Voting Systems**

Morgan County Clerk and Recorder Susan Bailey presented to the Board Contract 2016 CNT 214, a contract with Dominion Voting Systems. Ms. Bailey stated this contract is to provide election equipment for \$31,738.00 annually with an eight year lease with the term of contract January 1, 2017 through December 31, 2024. Ms. Bailey provided a summary of the selection process the Colorado Secretary of State's office utilized in choosing the vendor who was awarded the Universal Voting System contract for the State of Colorado. Commissioner Zwetzig made comment as to discussions held during Colorado Counties, Inc. meetings he has recently attended stating that he is in favor of the system given prior Clerk and Recorder Connie Ingmire had participated in the Pilot Election Review Committee and was part of the contract award recommendation. He also spoke of the larger counties who have not had such a positive response to the UVS being awarded to the vendor, Dominion Voting Systems but praised the system as it will provide uniformity between all Colorado counties and for its citizens. Ms. Bailey stated that both Logan and Washington Counties utilized this new equipment in both the 2016 Primary Election as well as the recent General Election and have spoke very highly of the ease and efficiencies of the system.

Commissioner McCracken made a motion to approve Contract 2016 CNT 214 with Dominion Voting Systems for \$31,738.00 annually with an eight year lease with the term of contract January 1, 2017 through December 31, 2024 as outlined by Morgan County Clerk and Recorder Susan Bailey and if necessary, authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

#### **Consideration of Approval – INTERGOVERNMENTAL AGREEMENT - 2016 IGA 004 – Wiggins Rural Fire District**

Morgan County Ambulance Director Joe King presented to the Board for approval Intergovernmental Agreement 2016 IGA 004 with Wiggins Rural Fire District. Mr. King stated this is basically a renewal of an agreement that has been place with this being the ninth year. Mr. King stated this Intergovernmental Agreement purpose is to provide an ambulance bay, storage and office space in exchange of medical supplies as needed. Mr. King stated this arrangement has worked very well in cost savings to the County over these past years. The term of the contract is

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January 1, 2017 through December 31, 2017. Chair Teague asked how many co-members there currently are with Mr. King stating there are three members in existence at this time.

Commissioner Zwetzig made a motion to approve Intergovernmental Agreement 2016 IGA 218, with Wiggins Rural Fire Protection District as outlined by Morgan County Ambulance Director Joe King. Commissioner McCracken seconded the motion and motion carried 3-0.

## **COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated November 18, 2016, through November 29, 2016 with changes.

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **CITIZEN'S COMMENT**

There was no citizen's comment.

At this time, the Board recessed until 9:30 a.m. for the scheduled public hearing.

## **PUBLIC HEARING**

**Application for a Conditional Use for Upgrades and Improvements to the grandfathered and existing sugar factory originally built in 1906. This application is the first known application existing with Morgan County. The subject property is located on parcels in the SW1/4 of Section 31, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., and SE1/4 of Section 36, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, commonly known as 18317 Hwy 144, Fort Morgan, Colorado 80701.**

The hearing was called to order by Chair Teague at 9:30 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chair Laura Teague, Commissioner Brian McCracken and Commissioner James Zwetzig in attendance. Also present were Jody Meyer, Planning and Zoning Administrative Assistant and Rodney Perry, representing the applicant, Western Sugar Cooperative.

**APPLICANT: Western Sugar Cooperative  
LANDOWNERS: Western Sugar Cooperative**

Chair Teague asked Ms. Jody Meyer, who is presenting today due to the retirement of Planning Administrator John Crosthwait, to present the file and invited the applicants to the front. Chair Teague read aloud the application noting the applicants have submitted an Application for a Conditional Use for Upgrades and Improvements to the grandfathered and existing sugar factory originally built in 1906. This application is the first known application existing with Morgan County. The subject property is located on parcels in the SW1/4 of Section 31, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., and SE1/4 of Section 36, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, commonly known as 18317 Hwy 144, Fort Morgan, Colorado 80701.

Ms. Jody Meyer presented the file stating this is an Application for a Conditional Use for Upgrades and Improvements to the grandfathered and existing sugar factory originally built in 1906. This application is the first known application existing with Morgan County. The subject property is located on parcels in the SW1/4 of Section 31, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., and SE1/4 of Section 36, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, commonly known as 18317 Hwy 144, Fort Morgan, Colorado 80701.

Ms. Meyer stated the application before the BOCC is for a Conditional Use to permit alterations, modifications, which the applicant, Western Sugar Cooperative ("Western Sugar"), is making to upgrade and improve its existing sugar factory, which was originally built in 1906. This application is the first known zoning-related application relating to the sugar factory filed with Morgan County.<sup>1</sup> The subject property is located on parcels in the SW1/4 of Section 31, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., and SE1/4 of Section 36, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, commonly known as 18317 Hwy 144, Fort Morgan, Colorado 80701.

Western Sugar has been in the process of replacing certain vintage processing equipment as the factory prepares to increase efficiency and function for increased production. The modifications will enable the facility to receive and process more raw sugar beets processed by the neighboring Nebraska and Wyoming factories, which are closing. The Morgan County factory upgrades are designed to improve the efficiencies of the fuel usage and steam generation associated with the factory's coal-fired boilers. The improvements include new slicers moved from the interior to the exterior of the existing factory. These new slicers are designed to improve the quality of the cosettes, which is intended to reduce the quantity of steam required to extract more sugar from the beets. The reduced steam requirement is intended to affect the amount of limestone required in the refinement process. Western Sugar is making numerous other modifications, which the applicant will address during the public hearing before the Board of Commissioners. Western Sugar anticipates that the modification will enable it to process 7,200 tons of beets per

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<sup>1</sup> Freedom Transportation applied for a Conditional Use Permit in 2010 on Western Sugar property to establish a remote office for a trucking company dispatch operation.

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day, while producing 2,974,000 hundred weight of sugar per year. Western Sugar further anticipates that the duration of its processing campaign will be reduced.

Agreements for water consumption by the factory and well permits and augmentation agreements are included in the material accompanying the application. Western Sugar is using water from the Morgan Ditch in the factory's processing. The agreement with the irrigation company is verbal at this point, and is dependent upon the availability of water from the Morgan Ditch.

The file also contains the utility agreement with the City of Fort Morgan for electrical power which is essential to the operation of the factory. The recorded Railroad Track agreement with the Burlington Northern Railway for the transportation of coal used to fuel the factory's boiler is also included. Western Sugar has also contacted the Colorado Department of Transportation regarding their State Highway 144 access to the factory and an access agreement may be required. The related correspondence is included in the application file.

The conditional use is required because the modifications to the factory constitute an expansion of its existing use. Some of the modifications constitute a physical expansion of the plant as they involve new exterior structures. All of the modifications are designed to increase the efficiency and capacity of the plant. Consequently, the conditional use application is required to determine and potentially address external impacts related to the expansion.

All appropriate notices, posting, and publications requirements have been met. Appropriate fees have been paid for application and review. The subject property is located within the Fort Morgan Rural Fire District. Taxes are current. The subject property is zoned "HI" Heavy Industrial. Western Sugar has also cooperated in the building permit process through Morgan County.

## **Review Criteria and Application Requirements**

Section 2-315 of the Morgan County Zoning Regulations establishes the primary criteria for consideration when reviewing an application for a conditional use permit:

- (A) The application documents are complete and present a clear picture of how uses are to be arranged on the site.
- (B) The site plan conforms to the design standard of these Regulations.
- (C) There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure (utilities, drainage, and roads) or upgrades by the County or Special Districts.
- (D) The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

Section 2-495 sets forth the required contents of conditional use applications:

- (A) County application form.
- (B) A general project description and purpose of request.
- (C) Names, addresses, and phone numbers of owner/applicant and any representatives and proof of ownership.
- (D) A description of the use proposed and an explanation of how the use will relate to or impact existing adjacent uses.
- (E) Type and availability of utilities and services; sewer, water, electrical, fire protection to the site.
- (F) Proposed length of time the permit is desired.
- (G) Letters of commitment from provider utilities for the site or proof of service.
- (H) A discussion of how the project complies with the criteria for review for Conditional Use Permits (Section 2-315).
- (I) Descriptions of types of easements required for the project, widths and other pertinent information.
- (J) If a conditional or special use permit is sought for a livestock confinement operation allowed under Sections 3-175 or 3-180, the Facility Design Standards and permit Requirements of Section 4-200 and following must be met and included in the permit application.

## **Planning Commission Recommendation**

The Planning Commission hearing held a public hearing on the application on October 11, 2016. During the hearing, Western Sugar explained the nature of the modifications and responded to public comments and concerns regarding perceived impacts from the facility. The perceived impacts that were addressed during the public hearing during and after comments from interested parties included noise, lawns and dirt build up on west side, buffer issues, odor of pond, insects, dust, traffic, mud on roads, piling of tailings, air quality, drainage, lack of response to resident phone calls, and concerns regarding the information in the application and associated site plan. Representatives of

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Western Sugar stated that they will consider the issues raised during the public hearing and represented that they are committed to resolving the issues. Western Sugar representatives stated that many of the improvements being made to the factory would address some of the concerns. Western Sugar stated that many of the issues would need further study to determine the most economical and effective solutions. Western Sugar stated that the modifications would improve worker safety conditions, and therefore, Western Sugar desired to focus on improving worker safety first, and then move on to address the impacts of the operation.

The Planning Commission voted 5-1 (with Commissioner Mike Bailey dissenting) to recommend approval of Western Sugar's application upon the following condition:

Have citizens committee that Western Sugar meets with twice a year for citizens who want to show up, whether they are here or not, and Western Sugar will address the traffic, dust and air quality, the pests and flies, noise, drainage issues, and tailing issues. Decide what to do with all that with the Citizens' Committee, but you have to make an honest effort to deal with these issues.

Ms. Meyer read aloud on November 22, 2016, the BOCC will be holding the hearing today to allow testimony and evidence regarding the current application. She read aloud the options the Board will have today as a result of the hearing.

Commissioner Zwetzig asked Ms. Meyer about the building permit which was obtained, with Ms. Meyer stating they did apply for the building permit. Commissioner Zwetzig asked what the time frame is in regards to the building permit with Ms. Meyer stating 180 days, with Commissioner Zwetzig asking what happens given this project is indicating a two year timeline. County Attorney, Jeff Parker, stated there could be the possibility of asking for an extension to this time frame, if due diligence is being made and can be proven.

Discussion followed regarding the extension of the building permit, with County Attorney Parker stating the land use application must be in place or the building permit could be suspended.

At this time Western Sugar Cooperative, the applicant, Rodney Perry, CEO, 18371 Highway 144, Fort Morgan, stated they have spent time explaining information to the Planning Commission, and summarized the time that has been spent in trying to make the least impact, maintain quality paying jobs, increased the pay of the seasonal workers, have about 250 workers on site, direct impact \$85 million dollars, which does not capture indirect impact to the community. He stated the farmers own the company and have since 2002. He feels they have spent close to \$40 million of the project so far and it will take a couple more years to do what is needed on the modifications they have in place. He stated that about 80 percent of the projects will be completed in the time frame of the project. He stated they have had a rough start up, have brought in a lot of resources to get it running properly, once it is running properly, it will have less impact on the environment. He stated they are working closely with CDPHE and those necessary who represent Environmental Safety and Water Commission.

Mr. Perry discussed dry beet handling which will reduce water usage greatly, and once there is confidence in this process, they will reduce the amount of water they have in the augmentation plan, but until then, they will not give that up. He explained that sugar beets are 70 percent water. The type of environmental impacts were summarized, including the ammonia in the sugar beet itself, and he stated they have to deal with that, also dealing with E-coli, which comes in the water from upstream. He stated the State requires them to deal with cleaning up the water that is from the environment.

Colorado is probably one of the more difficult states to do business in according to Mr. Perry, stating they have a pretty tight hold on them. He stated they buy the cleanest coal in the country, buying from only one mine explaining it is more expensive, but much cleaner. He stated this project also helps to reduce the consumption of coal.

He further stated they were behind times, with most of their competitors having upgraded their facilities, with one other smaller plant, being Wyoming Sugar, with these plants being the smallest and with being able to sustain and stay in this town, they have had to make these changes.

Given with all the issues, they are committed to having an open dialogue with the City and the County in trying to come up with solutions, and strive to keep a good relationship with all. He stated that part of the smell issue, is to keep the sugar out of the water, explaining that the new equipment should help them to do a better job of that. Over time, he feels this investment will help this issue. Dry beet handling will also help this. He stated they cannot solve all the smell issues and the insect issues over town, but are working towards solving the issues, making huge steps towards a resolution.

He stated there are those who have horses right next to town, and you will have flies with that situation, but will work towards doing what they can to resolve the issues at hand. He stated there are a lot of improvements to come that will make things better for complaints they have received. He spoke about noise issues in which they will make efforts in resolving those issues, and also stated they are going to work on resolving the issue about the dirt on the roads. He feels that from the feedback, they have solutions in place at this time already.

Dust is one thing that they need to look at further, and what can they really come up with as a solution to this issue. He mentioned placing a dirt berm that would not work; they have an open mind, committed to meeting with citizens twice annually to come up with solutions jointly.

He stated the suggestion at the Planning Commission meeting was the right one, and stated they are working on solutions for those issues brought to the forefront at the Planning Commission meeting.

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He further stated that they have provided as much documentation as they possibly can to do the right thing for the County, they provide many jobs, and a future for the farmers and ranchers here in this community. He again stated they own the cooperative and they want to make sure they are able to keep one factory open in the State of Colorado. There were seventeen at one time, and they are down to this one factory.

Josh Livingston, spoke Director of Safety Health and Environmental, in relation to Fort Morgan, 18371 Highway 144, Fort Morgan, Mike Skeans, Vice President of Operations and Heather Luhr, General Counsel, were all introduced as being present at today's hearing.

Mr. Perry asked to make one final comment, stating he has been with the Cooperative for the last two and a half years, outlined his past and stated he is rooted in agriculture, and indicated that part of the challenges in Torrington, was finding individuals to work, and stated they need to hire highly technical skilled people and are in the process of doing that now. He stated that they have brought in numerous skilled people who have a lot of knowledge, have added five people to support the safety side of the plant, one person dedicated and living at each one of the factories, explaining that people come first, they want to keep people safe, and stated they are investing a lot in people.

Mike Skeans, VP of Operation, reiterated that some of the suggestions they received at the Planning Commission meeting, he has tasked some individuals to work on the issues that were brought forward and outlined those things they have started on to work towards resolving the issues at hand indicating they did take it serious.

Chair Teague asked the applicant if they are required to have a permit under solid waste with Josh Livingston stating they do not have a solid waste permit and are not required to do so. Chair Teague stated one thing that has been a concern of those facilities that have shut down in communities is the ash that is left behind, and asked about the spent lime, if they have a plan in place. Mr. Perry stated they are basically giving away the spent lime and are looking at finding uses for it, explaining there are uses for it and outlined those areas that it can be used for, compost for manure, etc. He stated once they get to a point where they can dispose of it for uses, they won't have any left. He stated blending this with manure, there may not be an immediate benefit, but over a couple of years of applying it, they should see a benefit. He stated they have been able to keep the pile here in the Fort Morgan area to remain about the same, and have found some uses for it. With the proposed project, he is hopeful to see the pile down to nothing. Discussion followed regarding the PH issue, with Mr. Perry stating in the tests that have been completed, it has shown a benefit, with no issues. He stated they are applying it at a slow enough rate that it has not created an impact on the PH levels.

Mr. Perry again mentioned they do burn the highest quality coal, have looked at potentially separating the fly ash from the bottom ash, but their ash has been used on a number of road projects for road fill and always looking at opportunities for the use of the ash as well.

Commissioner Zwetzig asked about the spent lime and what kinds of conditions it causes, dust or odor? Mr. Perry stated there are times when people have complained about the dust issue, and over time, the pile continues to get higher and higher and the dust issue does become a focus. He stated that they are working on these upgrades, and once they get through the project at hand, they are looking at a trial of blending it with manure and applying it on land, which could hopefully show some fertilizer benefit as well.

Mr. Perry explained PCC, precipitating calcium carbonate, is basically the lime, and they cook it. They capture the Co<sub>2</sub>, the rock goes into solution, they flow the Co<sub>2</sub> back through a solution of the lime rock that has gone into solution and sugar juice which then captures the lime rock in the sugar juice, and it eventually becomes PCC. He stated there are some work going on that does not use this process, so far it has not been successful, would like to move towards it, but nothing solved as of yet, speaking of membrane technology. He stated if they should develop a ceramic filter that works, they will look at this process.

Mr. Perry spoke of the numerous facilities they currently have in place and the operational costs that it takes to keep them up and running and the capital constraint they face in keeping them operational.

He spoke about choosing Fort Morgan over Torrington was due to the growers, the growers are here and they have been loyal and committed to this industry. In spite of the difficulty in doing business in Colorado, they have stayed committed to doing business in Fort Morgan, stating it comes back to the future of the growers and the future of their families.

Chair Teague asked about the world market is low in stock prices, with Mr. Perry stating those reasons, explaining that in Brazil, it was heavily government subsidized, and explaining what occurred to keep the domestic prices high and the world market becomes a dump market. He stated they need a price of about \$.24 hundred weight delivered to the US in raw sugar, and then another seven cents, to process, with the world market being about \$.11 cents below what is needed. Now the world market has come up to about the price that is needed to break even in the US. He explained that our government does not subsidize the sugar industry for the growers, and explained what is needed to keep this industry in place. He spoke further about what has occurred whereas the US could not compete in regards to the other countries and the fact that many of them subsidize the sugar industry. He stated prices were high when there was a shortage of product, and explained they receive support from a Denver based banking firm, CO Bank, without that support they would not be able to be making these changes. He stated they are at the lowest price they can sustain the business at currently.

Commissioner Zwetzig spoke about the unique part of the industry being it is all grower owned, with the question about locally they have an \$85 million dollar impact and asked if that includes the grower impact. Mr. Perry stated this amount does include the grower impact. He further stated the impact the project has probably had on hotels, restaurants, and businesses here in the community given those contractors that have been brought into the community to complete this project.

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Mr. Perry stated there is currently 33,000 acres here in Colorado as per Commissioner Zwetzig's question. He spoke about the productivity on the farm and how it has increased about 30 percent, having less acres but more productivity. The average percentage of sugar here is high seventeen, eighteen percent. The tons per acre range about 32.5 per acre.

Brian Pabst, farmer east of the Hillrose area, spoke, stating his yields have substantially increased from the new technologies, stating the yields he has experienced have been higher, and indicated there is less stress on the plant, and explained the process they are using which is way better on the crop. He spoke about the precipitated lime, and personally has conducted studies trying to negate PH, which he was able to indicate that by applying it to his fields, it has not created any issues on the PH levels.

Chair Teague stated that one of the comments that came up in the testimony at the public hearing was the fact there was a lack of communication and ability to contact the plant, and stated that she believes if things are communicated in an effective manner, explaining of what is occurring, simple communication to the community would be very helpful. She stated this as being an editorial comment and asked if they have plans to negate some of these issues.

Mr. Perry stated they do plan to do a better job at this, and having two meetings with citizens a year should help in this area, and will attempt at communicating, and find ways to get more information out about what is occurring at the factory. He stated they will make stronger attempts to communicate with citizens, stating they will make sure that people do know where and how to contact those necessary for their concerns. He stated he believes the community will see a better stand being taken in this matter.

Commissioner Zwetzig asked if it is appropriate at this time to continue to ask questions of the applicant about the application with County Attorney Parker stating it is appropriate. Will serve letters for utilities; is that part of our planning process, and what if they receive a letter that states they do not have water service? County Attorney Marker stated the application states they have to provide proof of water and utilities to run the operation. The application applied for requires that the applicant provide proof they will be able to provide everything that is required to operate adequately. The letter from the City of Fort Morgan should be adequate and taken at face value as per Mr. Parker.

Commissioner Zwetzig asked further about air emissions, and the information that they do not meet the threshold to have to make changes, and does this imply they are not concerned about air emissions. Mr. Perry stated that they make sure that they abide by the permit they have, and they did just recently undergo testing and passed those test requirements. He stated the type of equipment they have put in, has allowed them to be more efficient in the use of steam, and explained the new equipment that has been put in with the beets being 70 percent water, and the sugar being less than 1 percent water, what happens to that water. He explained the process they use. He stated with the new equipment, they are able to be more efficient in the use of steam. He indicated that this equipment is all proven equipment and feels they will get a lot more use of the steam they produce. He explained they burn the coal to create the steam. Discussion followed as to if the standards would eliminate the use of coal, if they would fall under the power plant requirements, with Mr. Perry stating they do not fall under those requirements and do not believe they will be eliminating the use of coal. He stated there may be a day they may be forced to switch to natural gas and that would take a substantial investment, but they do meet the requirements of the air quality control today.

Chair Teague stated approximately 18 months or so ago, when they were trying to complete the Clean Power Plant, there was a concern that Western Sugar was working under a grandfathered permit, and the fact that they could negatively affect the Pawnee Power Plant emission testing, with the point that she did some research, and it was agreed that what they have placed in their application for air quality does meet their requirements and does not negatively affect the Clean power plant rules.

Commissioner Zwetzig asked what the difference is between the "clean coal" and "dirty coal" with Mr. Perry stating "\$5.00 per ton". He stated they are burning a great amount of coal indicating they are burning around 55,000-60,000 tons per year here in the Fort Morgan plant.

Chair Teague asked if they could modify the spilled prevention plan, the fact that Morgan County is not able to take "oily waste" and that would need to be modified in their plan. Dry beet handling was summarized by Mr. Perry as per Chair Teague's question if it would help with dust control. Mr. Perry stated that sugar in the water creates the odor and starting next April, they are planning to start the project to try and mitigate this issue and outlined their plan.

Commissioner McCracken asked about the "talings" with Mr. Perry stating they will be making those into pressed pellets and outlined what they will be doing versus wet talings. Chair Teague asked how much tare they produce at the plant, with Mr. Perry stating he can retrieve the information for her at a later time. Mr. Pabst stated he was just below two percent this year.

Chair Teague mentioned the possibility of using the tare dirt for cover dirt at our landfill, with Mr. Perry stating the majority of it is at no cost to the growers, and stated if it makes more sense to move it to the County landfill, they would look at the possibility. The tare is being moved off-site but he will confirm.

Commissioner Zwetzig asked about traffic, stating that we can all assume that at this time traffic is not ideal going in and out of the facility, given its location. He stated it was pointed out that there used to be alternative routes that may have been closed down. He asked about traffic count, 523 vehicles, which show truck deliveries being the majority. He asked how this application is addressing the traffic issue. Mr. Perry stated that the application does not address this specifically. He stated that they have to use trucks to deliver the product to the facility and stated that all the sugar moves out by truck. He stated that traffic issues should be discussed at one of these meetings they plan

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to have and stated there are reasons they move traffic flows over time, but in the end, trucks have to move in and out of the plant, and there is no other option. He stated he believes they need to meet further in regards to this matter, look at impacts to residents, schools, and how they should move the flow of traffic in and out. He stated he would be happy to look at the issue and make the attempt to make the majority of people happy if at all possible and stated as a cooperative they are willing to engage in the discussion.

Discussion followed with Commissioner McCracken stating that the County does own half of the road in front of the plant, and the City the other side and after a phone conversation with Wes Templeton, CDOT, it was noted that CDOT owns the road in question. Jeff Wells, 933 Park Street, Fort Morgan, neighbors of the plant, spoke indicating the City of Fort Moran has an agreement with CDOT to maintain the roads, and the inference was not there that the County was not holding up their end of the maintenance, explaining it was not a disparaging remark on the County's action, just a statement of fact that they maintain a contract with CDOT to be able to maintain this roadway. Commissioner Zwetzig spoke about the fact that the County does work with the City in maintaining the roads that are being discussed here today. Mr. Perry spoke about as far as the impact to the community, they are taxpayers as well, and he feels they are paying a fair amount of taxes in regards to the road maintenance issue. Discussion followed regarding the State is probably receiving the Highway User Tax Funds.

Commissioner Zwetzig then spoke about the issue with drainage and the letter of complaint filed by Taco Bell. Mr. Perry stated that obviously Taco Bell built after the plant was in place, and explained they are at the low end of a slope. He stated they take this seriously and have started working on what can they do to change the natural flow of water and did place some materials to try and avoid this drainage issue. He stated they will make the effort to create a low sloping ditch to move the water around their property and try to move it around them, making sure they don't create a bigger problem. Mr. Perry stated they will be good citizens and good neighbors and take this matter seriously.

Josh Livingston, stated they did put up a temporary berm to try and catch any and all run-off and there is a permitted area they are working with the State as well. Part of the initial review, under the Clean Water Act did require the plant to have a permit in which they will continue to follow. There are two permitted construction storm water permits in place and they will continue to use them. This will allow them to work towards a solution. There are two discharges on the eastern side of Taco Bell and Ehrlich Toyota and the other is to the ponds. Mr. Perry stated that anything they do must be approved by the State of Colorado, so he does not want to commit to something they cannot deliver on, but will continue to do the best they can to mitigate the drainage issue that has been reported by Taco Bell.

At this time, Chair Teague opened the matter for public comment asking for those who would like to make public comment.

Brian Pabst, 24585 County Road 35.5, Hillrose, spoke in favor of the application, stating this is a 100 percent grower owned plant, stating they bought this to sustain their family owned business and hopes to see it stay this way. He stated this is one of the moves that were made to bring it from the farm to the entire facet to food to the table. This takes the product from the field to the kitchen table. He believes the County needs to keep moving forward, and keeps it sustainable stating this is an impact to him, and the money being spent is an impact to him directly.

Rick Lorenzini, 1022 County Road Y, Weldona, spoke stating he is in favor of the plant, they own this and it is great for the community, provides good crop rotation, a good food source and supports the project.

Mike Burdette, 7415 MCR 7, Wiggins, spoke in support of the application, stating sugar beets have been in their family for years, took a big step as growers buying into this COOP whereas they have spent a lot of money, stating the water situation they have south of Wiggins, is an issue and by having a crop of sugar beets in their rotation is an asset and supports this application.

Jeff Wells, 933 Park Street, Fort Morgan, stated he is not against the application, but a couple of preliminary questions, assuming it is a quasi-judicial review of the application, with County Attorney Jeff Parker stating yes. Mr. Wells asked if part of it is based on the recommendation from the prior planning commission, or a "NOVOTE" with County Attorney Parker stating yes, and the planning commission decision is to be looked at as part of the Board's consideration process in their decision. Mr. Wells asked if those recommendations could be entered herein by reference, considerably, with Chair Teague in agreement.

Mr. Wells outlined the issues he needs to raise, first from the City's point, that property was very difficult to sell, TACO BELL, it is a prime location for retail, was difficult to get anyone to buy it given the size of the lot. Developers had gone to Western Sugar asking for additional property, and were declined. He further stated the City is trying to make the community better, and when that sits empty, that affects the tax base for both the City and the County. He stated the point he wants to get across, is the City wants to work with Western Sugar, that they are not against them, as they do impact the community, explaining that when they went through the Comprehensive Plan update, one of the negative impacts for city residents was noted as Western Sugar created a negative impact on the quality of life in Fort Morgan, and further stated that in recent surveys completed, the #1 negative impact mentioned was Western Sugar and the only teeth there are is this application process that is currently taking place which give citizens and others the opportunity to voice their concerns and stated, "kudos" to the Board of County Commissioners and Western Sugar for going through this process which allows the citizens to voice their concerns.

Mr. Wells clarified the will serve letter that has been issued, is in regards to the capacity to serve at the current level. He stated the feeder line to this facility is already maxed out, and a large portion of their power is being generated by coal. He indicated that there are conditions attached to the will serve letter. He stated that the City does not believe this is a complete application and have not seen any formal study or report how they are going to mitigate issues that

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have been raised. He summarized what he believed should have taken place to mitigate the issues surrounding the negative impacts reported. He does not believe the proper process was followed from the very beginning.

Some of the solutions he believes, consider Western Sugar apply for annexation into the City of Fort Morgan, as part of the Special Use Review, whereas it is adjacent to the City of Fort Morgan, and make this part of the process today. Some of the other things, having citizens get together twice a year and voice problems, go back to history, the public has been voicing problems for years, and nothing has happened. He feels that the application for annexation is important for council to hear. The other suggestion he made, thanking Mr. Perry, for listening to the City and their issues, expressing he wants to see a partnership that would help both parties involved, he feels that Western Sugar is doing a good job at wanting to sit down and address the issues. One issue is the air quality issue, and the issue with odor, he stated that for half the winter, the odor is there that is a real impact to citizens. He spoke the dust, and the impacts there are for people's health, and he is not saying to fix all these things, but want a sense of cooperation and partnership to try and manage these issues and work together to come up with a resolution that brings resolution. He would like to see "real teeth" in the applicant

Commissioner Zwetzig asked to clarify one thing, asking the citizen making a suggestion that the application is not complete, indicating that "D" is attached. He agreed that this citizen may not agree, but he feels it is important that it is clarified that this is a complete application. Mr. Parker stated he does not believe it is a yes or no answer, it is up to the BOCC to determine if every requirement is met and is it sufficient to meet the criteria. Commissioner Zwetzig asked about if it is right to act on the application, and to state that the application is not complete, to clarify it now if the application is complete or not complete given the Board has denied previous applications based on the fact the application was not complete. Commissioner Zwetzig wants to ensure the Board is not acting on an incomplete application. Commissioner Zwetzig believes the application is complete and would prefer to add to what is required or what is or not sufficient. Chair Teague agreed that when she read the application, she felt it was complete and Commissioner McCracken agreed it is complete as well. It was discussed and agreed that the Board could extend what should be required from the applicant. At this time, Commissioner Zwetzig asked it be noted in the record the Board is in agreement that the application in front of them today is complete.

Mr. Wells, substance over form, was explained stating the concept is the Board can say in form they followed the law, because there is a one sentence, but in form there is a one line sentence that is causing significant issues which do not necessarily follow in the spirit of the law. Mr. Parker stated he would agree with that definition, and one sentence responses are not what are contemplated in what is required, but the Board can ask for additional information, as to what is complete or what is sufficient was discussed.

Chair Teague asked about the Town of Fort Morgan being partially built because the factory was there, a lot of the town was built because of the factory and where does the grandfathering start and stop and where does the new permit process start asking is it worth it to the County to shut the factory down because the impact is so great, and stated she does not think that is a reasonable end point because of what Western Sugar has meant to the community. She asked what the County can do legally, do to say you have to address impacts from possibly 1930, how do you measure the impacts, very difficult to quantify given the time frame, then versus now. Mr. Parker stated that the way he is analyzing this application is the fact they have a legal conforming use, the use was legal at the time it started, and at some point when it became no longer a use by right, and they do not have a date for that, but they do have a zoning date, 1973, use by right up to a certain point, and then the county stated it is no longer use by right, it is definitely at a point in time that it expands, and it changes the impact to the community, when it no longer conforms to the zoning code, when it expands, when it has additional or great impacts to the community, and we are here today to listen to what is being changed. How is it going to impact the community as a whole as it is changed, have to look at it in a holistic way, looking at it under the conditional use permit criteria.

Second question is what happens if it should be denied, with Mr. Parker explaining as Mr. Wells stating you do not usually review the conditional permit after the work has already been completed, you are required to start the application process before that time. The Planning works with them on impacts in the community and then address those items the Board should decide as being impacts. He further stated if the Board would decide to deny, the law states they would be required to go back to the way it was being run before, that is when the grandfathering would come in. Look at the overall operation as a plan to expand with the completion of operations, if the Board denies it, they would be required to go back and operate as they had been.

Chair Teague made the comment about what she has seen in regards to the State of Colorado, they actually form a stakeholder group that meets prior to the rule being put in place, and meet and come up with a list of solutions that are very easy to rule on. She stated she does not believe we are ready to rule on the issues that are being discussed here today. She spoke about the issue with putting in place certain regulations and the fact they should be cost effective. She spoke about this is an applicant who is already operating using new equipment, what is the County's latitude in putting this on hold, and requires a 12 month stakeholder process. Mr. Parker stated the options the Board has to address the practicality they are in at this time, is to approve concrete, enforceable conditions, based upon studies, plans that have been done by the applicant, planning staff.

Mr. Parker stated there is the option to approve a temporary conditional use permit and provide for a time frame that a process and plan is put in place to allow for the applicant to come back and provide a detailed plan of what they are going to do to remedy the issues having been brought forward during this application process.

He also mentioned that the Board could continue the hearing for a certain amount of time, and come back to another hearing if the Board should choose to do that as well.

Mr. Wells noted his appreciation of the County Attorney, and asked to make it clear the City of Fort Morgan does not wish to see the sugar factory be shut down, and he understands the economic factors that are involved. He stated that he believes the temporary conditional use on the property that would require parties to identify those issues and

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bring back to the Board what they feel can be done to bring resolution would be something that can be done. He wants to see the City be a partner and have a voice at the table so solutions can be found. He stated the City wants to see people continue to grow beets and understands the impact to the community. He stated as a citizen he has an issue with the beet pile that created a bad odor and the fact they spread those out which created additional odor.

Brian Pabst, again spoke, stating for clarification, if the criteria was met for the permit and if it is completed now, are we changing the requirements midstream? Mr. Parker stated the criteria for a special use permit is the same, it has not changed, the question is, has the applicant met the criteria, the main question would be is there off site impacts that need to be met? Does this entire use have offsite impacts the Commission needs to be addressed to allow it to remain in its current zoned district? He stated that the work started and it makes it difficult given it is complete.

Mr. Perry stated the only impact is the traffic impact at this time, with Mr. Parker stating it is up to the Board to determine what the impacts are and what need to be addressed. Chair Teague stated, now speaking to traffic, it seems to be that all are in agreement traffic has increased, and one of the conditions today could be the Board is going to require the traffic impact be addressed and place conditions on the applicant to mitigate the traffic impact. She stated that for the Board to say today, these conditions the Board wants to see enforced, and the fact the Board does not have the adequate information to do so at this time.

Comments were made by Western Sugar representatives that they could do some things, and they are willing to do some things, and those could be included in the Board granting the special use conditional permit.

Mr. Perry spoke stating obviously they do not feel very comfortable with the City of Fort Morgan, given some of Mr. Wells's comments. Mr. Perry stated they do want to work with the City, and the fact he cannot control the flies, cannot control the odor, when it comes to things on drainage, he cannot do things without dealing with the State of Colorado. He stated that when the board states they will build all these things into a conditional use permit, he does not see it doable. He stated that he does not feel comfortable, and spoke about the grandfathering, feels they may have made an assumption, if they had known it differently; they would have done it differently. He stated they had spoken with the Planning Department, and then it became more difficult that things were drudged up from years past.

He stated they are willing to do what they can to mitigate the issues that have been brought up, but spoke about not having enough capital to address the issues by stating they will eliminate the dust completely, eliminate the odor completely, they are willing to put in place processes to mitigate these concerns. He does not believe they can operate if the Board should put in place these conditions and if they should have to go back to the way they were before, they have no options. He would like to see a more positive route, have their use permit, and the things they can afford to do, they will do, and would request the Board go with the plan the Commission put in place at the hearing held previously to meet with citizens to listen to what needs to be mitigated.

He stated without a permit, he is not comfortable in knowing they can continue to operate and spend the dollars they are spending at this time. He believes they can make progress by meeting with the City, which he indicated they have a meeting scheduled, and continue from there. As for traffic flow, he believes they should be able to come up with a plan that will allow for a good resolution. He stated he would like the Board to at least give them some comfort in knowing they can continue to operate the plant in the manner they need to and be able to sustain the plant. If they should be put in a situation that they are required to mitigate all the issues at hand, they cannot operate.

Mr. Wells, stated it is not the City's intention to eliminate every single problem, stating there are other industries within the city that create odor, and did state that he is uncomfortable with the fact if the Board should approve the permit and they don't follow through, then what is there to make things happen, with history indicating that issues have not been resolved. He stated regardless of what the Board decides to do, it is not their intention to shut down Western Sugar, and Mr. Perry's statement is fair in feeling uncomfortable, but Mr. Wells speaking for the City of Fort Morgan, wants to feel comfortable with what is being done and what will be required to mitigate the issues at hand. Mr. Wells again stated that Taco Bell did attempt to work with Western Sugar in regards to the property they purchased and wanting to have an additional piece of property and it was not something that was discussed.

Mr. Perry again commented about his concern if the Board should not approve a permit and the fact this does not provide assurance to them to operate efficiently and assure future spending. He stated they are willing to work with the State on the drainage issue and they take this very serious. They want to meet with the City and the County to resolve the issues. Mr. Perry stated he needs the assurance from the Board that he will be able to run the operation, he is willing to make the commitment in an economical manner to make the changes happen and will do so, but stated committing to something that is out of their control, he is not able to commit. Mr. Perry stated how he can continue to spend tens of millions dollars on a plant and not know if they will have a permit to continue to operate.

Mr. Lorenzini again spoke, stating part of their access problem was in the 1960's the federal government placed a highway right through their property. He asked about the fact whether or not the Main Street being restructured, with Mr. Wells stating this will be Phase V of the I76 Project, with better access being looked at if this project should come to fruition. Mr. Lorenzini asked about the possibility of putting in a frontage road to access the back side of the property and totally stay away from the City limits. He suggested finding an access to the north side of the plant.

Commissioner Zwetzig suggested that given we are dealing with a different company now than we were prior to 2003, spoke about a situation he was involved with when he was on the City Council for Fort Morgan, comparing it to what is now Cargill Beef Solutions, and the situation that occurred with them. He stated he believes the situation is whether or not the Board grants the conditional use, with knowing that the County itself wants this industry to

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remain, and the fact the City and the citizens want to see this plant remain in existence, but he believes it would be appropriate to continue this hearing until the meeting occurs with the City of Fort Morgan and a list be provided of what issues there are what mitigation can be done to resolve the issues that have been raised. He stated that he believes it would be appropriate for the Board to consider those items before the permit is acted upon.

Mr. Perry responded stating these solutions that have been spoken about, when you look at business in general, and being able to operate, these are not large capital projects being discussed, he would recommend that they commit, as long as the state allows, they will work with the drainage issue at Taco Bell, placing some concrete and mitigate the mud issues and the mud being on the roadway, as far as the odor issues, over time the changes they do will make a difference, but he does not believe he can have any remedy put in place to eliminate it by a certain percentage. Continuing to delay the approval is a mistake, as per Mr. Perry, and he stated he is committed to meeting with citizens and those necessary to work towards a resolution.

Mr. Perry stated they are also working on a noise complaint and has an engineer on the matter, and to deal with the approval of this application, and continue to spend money, he does not believe that is a good idea, he does not want to go back to his board and say he believes they made a mistake by wanting to keep Fort Morgan's plant open. He stated they have to meet the federal regulation in regards to the Torrington plant and he only has 60 days to do so now. He stated there is some major equipment decisions they have to put money down and it is being required within this next week.

Commissioner Zwetzig, asked about a comment made at the Planning Commission meeting as to they will spray water for dust, build berms and vegetation, and Mr. Perry stated he did state those things, but stated if they cannot place the proper vegetation, it will not cut down on the dirt. Commissioner Zwetzig asked if that is a 30 year decision or when that could be done, with Mr. Perry stating it is something he would have to look into, and would have to have approval given the easement situation as to utilities, etc.

Chair Teague stated that all three board members are business people and mentioned that her business will be closing down their composting business given the State has made an unviable economical ruling. She stated the Board does understand what is economical and the fact that businesses are not given enough credit, and the fact the Board is charged with protecting the impacts to citizens and does believe that Mr. Perry wants to do what he is saying he will do but what would happen if he is not there and his predecessor would not follow through.

Chair Teague spoke about the fact that there should have been building permits in place over the years and the fact that all are at fault. Commissioner Zwetzig pointed out to Mr. Perry that at the first meeting with Mr. West and Mr. Steans, Western Sugar was strongly encouraged to work outside issues with the City of Fort Morgan and neighbors before the hearing as well as Administrator Crosthwait having recommended the company work with the city and citizens and then again, County Attorney Jeff Parker had strongly suggested the same. He spoke about the fact that it is prudent as Chair Teague stated to properly proceed and ensure that they are fulfilling their duty as making the decision as elected officials for all parties involved.

Mr. Perry stated that he was unaware when he met with Mr. Crosthwait, that there were some suggestions made that should have been placed in the permit application that did not get included. He further stated to Chair Teague's point, if the State does not provide them with the approval to even remedy the drainage issue at Taco Bell, he is not able to fulfill this requirement, if the Board should in fact require this.

At this time, a short recess was taken to change the tape to continue the recording.

At this time, Chair Laura Teague stated the Board will entertain going into an executive session with County Attorney stating the Board can seek legal advice during this executive session. Mr. Parker stated there will be no discussion about the substance of the application, only to obtain legal advice from the County Attorney citing statute C.R.S. Section 24-6-402(4)(b).

A motion was made by Commissioner Zwetzig to move into executive session for the stated reasons, Commissioner McCracken seconded the motion. Motion passed 3-0. At this time, all parties left the room.

All parties returned to the meeting room with County Attorney Jeff Parker stating the Board was still in Executive Session, citing the time as 12:32 p.m. A motion was made by Commissioner McCracken to move out of executive session, with Commissioner Zwetzig seconding the motion and motion carried 3-0.

At this time, Chair Teague asked if there was any further public comment, with no other comments made.

At this time, Chair Teague moved to discussion and decision with Chair Teague stating the one thing the Board would like is a concrete list is in place of those items that have been discussed as needing to be mitigated. She stated the applicant has in fact mentioned three items they would be willing to do to mitigate some of the issues. Issues being discussed were the concrete pad that would be designed, another being drainage issues, and lastly, the noise issue. She then asked if there was anything else the applicant would be willing to list they could mitigate to address concerns.

Mr. Perry stated those are the three items they could commit to and the other item would be the meeting twice a year with the City of Fort Morgan and citizens and further stated that the other issues that have been brought forth will need further discussion as they require other agency approvals, such as the State of Colorado.

Commissioner McCracken asked Mr. Perry, as the CEO, will be in attendance at those meetings, with Mr. Perry stating he would commit to being in attendance. He further indicated that if for some reason, he could not be there, he named two other individuals that would be able to attend in his place who would represent a significant

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leadership position. Commissioner Zwetzig asked if there could also be a phone number given to a person who could answer concerns and issues raised by citizens with Mr. Perry stating yes that could be done. Commissioner Zwetzig stated they would refer that to establishing a complaint hotline, and asked that the plant have a follow through process in which the City of Fort Morgan and the County Commissioners be notified of any complaints and compliments they may receive.

Mr. Perry stated they would be happy to set up an 800 number to allow for a hotline in which issues and concerns could be addressed and then relayed to the appropriate government officials. Commissioner McCracken asked to ensure there will be a person to physically take these calls and be able to address any concerns that may be raised. Commissioner Zwetzig asked that this information be relayed to government officials at least monthly with Mr. Perry stating that would be fine. Commissioner Zwetzig stated that he would like to be sure they do plan to meet “no less than twice per year” with citizens and those necessary.

County Attorney Jeff Parker stated that based upon what the Board decides today, that the Board directs staff to draft a resolution that will outline these conditions. Mr. Parker also stated that there is no recording of the executive session given attorney-client privileged discussions and wanted to clarify that there was the proper recording made as required by statute in conducting today’s executive session which will be retained for the time frame as set forth by law.

At this time, Commissioner McCracken made a motion to approve the application for a Conditional Use Permit with the following conditions that Western Sugar place the cement pad in a location where trucks will be exiting the facility, a Cattle guard mechanism is to be put in place to help clear the mud, a berm to be put in place, as the State allows, to mitigate the drainage issue offsite at Taco Bell, insulate a grinder for noise and for them to meet no less than twice per year with citizens and government officials with the CEO present or someone in authority to do so if he is not able to attend, and a hotline to be in place for citizens to be able to contact for concerns, with a log that can be shared with those necessary and in final to authorize the preparation of a resolution for both parties to be able to review, to approve the application for a Conditional Use for Upgrades and Improvements to the grandfathered and existing sugar factory originally built in 1906. This application is the first known application existing with Morgan County. The subject property is located on parcels in the SW1/4 of Section 31, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M., and SE1/4 of Section 36, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, commonly known as 18317 Hwy 144, Fort Morgan, Colorado 80701, Commissioner Zwetzig seconded the motion, with Chair Teague outlining again the motion indicating this matter will be again reviewed after the preparation of the resolution on December 6, 2016.

Commissioner Zwetzig asked County Attorney Jeff Parker to review the conditions with Mr. Parker stating the applicant will undertake noise mediation actions on grinders and motors that the applicant is aware of that is causing excessive noise. The applicant will install on a concrete pad on the applicant’s property at the entrance and exit to the facility as well as a cattle guard mechanism which will be designed to mitigate mud being tracked onto the adjacent street. The applicant will install a berm or a reasonable drainage mitigation facility to address the run off onto the Taco Bell property if allowed by the State of Colorado. Commissioner McCracken clarified that there are two separate areas being mentioned as the entrance and exit with Mr. Parker stating yes. Commissioner McCracken stated it will be a designated exit that the cattle guard and concrete pad will need to be placed. County Attorney Parker stated there will be two meetings every year between the applicant, the community and City which will be attended by the CEO or a member of senior management. He clarified that there shall be no less than two meetings. Commissioner Zwetzig stated when they will occur with Mr. Parker stating they should be held no less than one meeting every six months. Commissioner Zwetzig asked who will set the date with County Attorney Parker stating that should be left to the applicant to schedule at a reasonable time. Mr. Perry stated he does have other meetings planned and would like some flexibility to make sure the right individuals are able to attend.

County Attorney Parker further stated the applicant will create a citizen call back hotline number which will allow for citizens to leave comments, complaints or compliments regarding the operations and the applicant will prepare a log of the calls with the summary of the substance of the call and share with City and County officials on a monthly basis. Commissioner Zwetzig suggested that the number for this hotline be published on the website of the City and the County with County Attorney Parker stating the City can decide if they want it with Commissioner Zwetzig stating the County will. Mr. Perry stated they will place it on their website as well under the Fort Morgan plant information.

Mr. Perry spoke about motors and grinders, to be sure they understand they have identified a grinder that has excessive noise and will be sure to mitigate this issue. It is the grinder off their powder sugar line which will be clarified in the resolution.

At this time, motion carried 3-0.

Being no further business, the meeting was adjourned at 12:48 p.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board

**(Minutes ratified December 6, 2016)**

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

\_\_\_\_\_  
s/ Laura D. Teague  
Laura D. Teague, Chair

\_\_\_\_\_  
s/Brian K. McCracken  
Brian K. McCracken, Commissioner

\_\_\_\_\_  
s/ James P. Zwetzig  
James P. Zwetzig, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey