

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting December 20, 2016

The Board of Morgan County Commissioners met on December 20, 2016 at 9:09 a.m. with Chair Laura Teague and Commissioner James Zwetzig in attendance with Commissioner Brian McCracken being absent. Chair Laura Teague called the meeting to order and asked Morgan County Assessor Robert Wooldridge to lead the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

Ratify the Board of County Commissioners approval of Meeting Minutes dated December 6, 2016
Ratify the Board of County Commissioners approval of Meeting Minutes dated December 13, 2016
Ratify the Board of County Commissioners approval of Contract 2016 CNT 230, Safety Systems, inspections on kit hoods located at Judicial Center and Event Center, Term of Contract December 2, 2016 until completed
Ratify the Board of County Commissioners approval of Morgan County Public Trustee Report for October 2016 and November 2016
Ratify Chair Laura Teague's signature on the Section 125 Flexible Benefit Plan for Morgan County Government

Commissioner Zwetzig made a motion to approve all items on the Consent Agenda as presented. Chair Teague seconded the motion and motion carried 2-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – BID AWARD – RFP 2016-1215-002 Jackson Lake Water (1) Share

Morgan County Administrative Services Manager Kristi Waite presented to the Board for approval, the 2016-1215-002 Jackson Lake Water (1) Share. Ms. Waite stated that they received only one bid from Fort Morgan Water Company, Ltd. in the amount of \$500.00. The term of the lease is from January 1, 2017 thru December 31, 2017. Ms. Waite stated this bid was opened on December 15, 2016. She further recommended the Board to award the bid to Fort Morgan Water Company, Ltd. as submitted.

Commissioner Zwetzig made a motion to approve award the 2016-1215-002 Jackson Lake Water (1) Share Bid Award in the amount of \$500.00 to Fort Morgan Water Company, Ltd as recommended by Morgan County Administrative Services Manager Kristi Waite and authorized the Administrative Services Manager to execute the necessary contract to be ratified at a later date. Chair Teague seconded the motion and motion carried 2-0.

Consideration of Approval – 2017 Mill Levy Certification

Morgan County Finance Director Michelle Covelli presented to the Board for approval the 2017 Mill Levy Certification for Morgan County. Ms. Covelli summarized the information provided to the board stating that all taxing agencies have reported to the County in a timely manner.

Ms. Covelli read aloud the school district information certifying the following as:

Merino School District as being 34.544 mills a difference of -0.198 and 7.513 bond
Brush School District as being 45.285 mills a difference of +8.548, 6.705 bond, 1.088 kindergarten special mill and an override 10.450
Fort Morgan School District as being 42.855 mills a difference of +0.406 and 13.485 bond
Weldona School District as being 32.767 mills a difference of +1.000 and 5.12 bond
Wiggins School District as being 37.189 mills a difference of +6.443 and 12.61 bond
Briggsdale School District as being 19.500 mills a difference of +2.395 and 2.907 bond
Aims Jr. College as being 6.308 mills a difference of -0.017 and 0.009 abatement

Ms. Covelli further summarized the mill levy for Morgan County including the cities and towns as:

Morgan County certifying at 28.970 mills a difference of +0.842 with 0.022 an Abatement for the 2017 fiscal year
City of Brush as being 15.752 mills a difference of +0.092 with 0.092 an Abatement for the 2017 fiscal year
City of Fort Morgan as being 13.254 mills no difference
Hillrose as being 17.890 mills a difference of +0.117
Log Lane as being 34.267 mills no difference
Wiggins as being 32.212 mills no difference

Further local improvements and service districts were then summarized with the fire districts being referenced as:

Brush Rural Fire as being 3.513 mills a difference of +0.224
Fort Morgan Rural Fire Protection as being 3.033 mills a difference of +0.121
Hillrose Rural Fire as being 7.719 mills no difference
New Raymer-Stoneham Fire as being 2.588 mills no difference
Wiggins Rural Fire Protection as being 7.00 mills no difference

The following Water Conservancy Districts were summarized as being:

Central Colorado Water Conservancy as being 2.004 mills a difference of +0.471, 1.380 bond, 0.002 abatement and 0.265 election levy

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Central Colorado Ground Water Management as being 1.583 mills a difference of +0.311, 0.002 abatement and contractual obligation 1.031

Lower S. Platte Water Conservation as being 0.500 mills a difference of -0.004

Northern Colorado Water Conservancy as being 1.00 mills no difference

Central Colorado Well Augmentation as being 9.019 mills a difference of -0.336 and 0.019 abatement

Ms. Covelli further summarized the County Pest Control Districts indicating Fort Morgan Pest Control as being 0.299 a difference of +0.011 and Wiggins Community Pest Control as being 0.399 mills no difference and a temporary tax credit as 0.052

The remaining mill levies were summarized for the following as:

East Morgan County Hospital as being 4.500 mills no difference

East Morgan County Library as being 3.500 mills no difference

Morgan Soil Conservation District as being 0 mills no difference

Morgan Quality Water District as being 0.824 mills no difference

Munns Addition Water & Sanitation as being 0 mills no difference

North Kiowa Bijou Ground Water Management as being 0.026 mills a difference of -0.001

Prairie View Ranch Water District as being 0 mills no difference

Snyder Sanitation as being 10.958 mills a difference of -0.011 with a temporary tax credit as 0.944

Ms. Covelli then summarized the assessments per acre foot, well or unit as:

Bijou Irrigation as being 19,163 a decrease in acres at \$46.58/acre with no increase

Hillrose Irrigation District 7,332 acres at \$4.00/acre with no increase

North Kiowa Bijou Special Association 363 wells \$30.00/each with no increase

Northern Colorado Water Conservancy District Class D 451 acres at \$17.60/acre a with a acre foot unit increase

Riverside Irrigation 22,154 acres at \$15.00/acre no increase

Weldon Valley Drainage 679 units at 250.00/unit no increase

Commissioner Zwetzig made a motion to approve the 2017 Mill Levy and Certification Summary as outlined in the certification as presented to the Board by Morgan County Finance Director Michelle Covelli and authorized the Chair to sign. Chair Teague seconded the motion. Motion carried 2-0.

Assessor Robert Wooldridge stated that the assessed values decreased this past year as well as the state assessed values having decreased. He further explained how the state assessed values are calculated and how that affects Morgan County. Overall, he indicated that the state assessments decreased and the oil and gas assessments decreased which has affected the counties numbers as well.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated December 16, 2016 through December 27, 2016 with changes.

UNFINISHED BUSINESS

Consideration of Approval – RESOLUTION – 2016 BCC 35 – Granting a conditional use for the expansion of the Western Sugar Cooperative sugar process facility

RESOLUTION 2016 BCC 35

A RESOLUTION GRANTING A CONDITIONAL USE FOR THE EXPANSION OF THE WESTERN SUGAR COOPERATIVE SUGAR PROCESSING FACILITY LOCATED IN THE SW1/4 OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 57 WEST OF THE 6TH P.M., AND SE1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 58 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, COMMONLY KNOWN AS 18317 HWY 144, FORT MORGAN, COLORADO 80701.

WHEREAS, Western Sugar Cooperative (the “Applicant”) has applied for a conditional use permit for its sugar beet processing facility (the “Application”) located in the SW1/4 of Section 31, Township 4 North, Range 57 West of the 6th P.M., and SE1/4 of Section 36, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, commonly known as 18317 Hwy 144, Fort Morgan, Colorado 80701 (the “Property”);

WHEREAS, on October 11, 2016, the Morgan County Planning Commission held a duly noticed public hearing on the Application, and voted 5-1 to recommend approval of the Application upon the condition that representatives of the Applicant meet with a citizens’ committee to address issues relating to traffic, dust and air quality, pests and flies, noise, drainage, and tailing issues;

WHEREAS, on November 22, 2016, the Morgan County Board of County Commissioners held a duly noticed public hearing on the Application;

WHEREAS, notice of the public hearing before the Board of County Commissioners was properly published and the notice was properly posted at the Property;

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WHEREAS, during the public hearing the Board of County Commissioners received testimony and evidence from staff, the Applicant and the public, and incorporated the testimony and evidence from the Planning Commission hearing into the Board of County Commissioner hearing; and

WHEREAS, after considering all relevant testimony and evidence, the Board of County Commissioners approved the Application, upon the findings and subject to the conditions set forth herein.

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

1. APPROVAL

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the conditional use permit (hereinafter referred to as this "Resolution" or the "Permit").

2. FINDINGS OF FACT

A. The Application is complete pursuant to Section 2-495 of the Morgan County Zoning Regulations.

B. The conditional use criteria set forth in Section 2-315 were reviewed and, with the conditions imposed herein, are satisfied.

C. During the public hearings before the Planning Commission and the Board of County Commissioners, members of the public provided testimony and evidence relating to a number of impacts on the neighboring properties. These impacts included the following: 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.

D. During the public hearings, representatives of Western Sugar provided testimony and evidence relating to how the expansion and modification to the facility would help alleviate a number of those impacts. In addition, representatives of Western Sugar represented that they would work with the community to develop ways to reduce such impacts.

E. The Board of County Commissioners agrees with the public testimony and evidence that the facility is a source of odors, dust, dirt build-up, noise, and traffic, all of which negatively impact surrounding properties.

F. The Board of County Commissioners, however, finds that many of these impacts were in existence prior to the Applicant's planned modifications.

G. On the one hand, the Board of County Commissioners finds that the modifications to the facility for which conditional use approval is sought will improve many of these negative impacts, particularly the noise, odor, dust and dirt-build up impacts.

H. On the other hand, the Board of County Commissioners finds that the modifications will increase the capacity of the facility, which will exacerbate certain negative impacts, including increasing traffic to the facility, and extended operating intensity.

I. The Board of County Commissioners finds that this Application is unique in that many of the modifications will reduce the impact of the facility on surrounding uses while at the same time increasing other impacts. That said, the Board of County Commissioners finds that the overall impact of the planned modifications to the facility will be more positive than negative. This results in a situation in which denial of the Application will result in a facility with more negative impacts on the community than would exist if the Application is approved.

3. CONDITIONS

The approval set forth herein is subject to Applicant's compliance with the following conditions:

A. Applicant shall install additional noise buffering for the grinder located off of the powdered sugar line to reduce the noise emanating from the grinder.

B. Applicant shall install a concrete pad and cattle guard at the exit from the Property to reduce the quantity of mud tracked by trucks exiting the Property onto the adjacent roadways.

C. Provided it is permitted by the State of Colorado, the Applicant shall install a berm or other reasonable drainage mitigation facility to reduce drainage from the Property onto the adjacent property immediately to the east, which has the following legal description:

A part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 4 North, Range 57 West of the Sixth Principal Meridian, described as follows:

Beginning at South Quarter Corner of said Section 31;
Thence Northerly along the East line of said Southwest Quarter 455 feet to the True Point of Beginning;

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Thence Northerly along the East line of said Southwest Quarter 144.2 feet to the point of intersection with the Southerly line of U.S. Highway No. I-80S;
Thence North 81°17'30" West along the Southerly line of said highway, 42 feet;
Thence Westerly parallel with the South line of said Southwest Quarter 148.3 feet;
Thence Southerly parallel with the East line of the Southwest Quarter 150.8 feet, more or less, to a point which is 455 feet North of the South line and 190 feet West of the East line of said Southwest Quarter;
Thence Easterly parallel with the South line of said Southwest Quarter 190 feet to the True Point of Beginning,

Except that portion Annexed to the City of Fort Morgan, Colorado for street purposes as described on Map of Annexation to the City of Fort Morgan, Colorado recorded March 30, 1967 in Plat Book 4 at Page 36 records of Morgan County, Colorado.

Couty of Morgan,
State of Colorado.

Also known by street number as 1305 Main Street, Fort Morgan, CO 80701.

D. A representative from Applicant's senior management shall meet no less frequently than once every six (6) months with citizens of the County and representatives of the City of Fort Morgan to discuss concerns relating to the facility and its impact on surrounding properties and the community.

E. Applicant shall create a public telephone number dedicated to citizen comments, complaints, or compliments regarding the facility and shall post that phone number on its website.

F. Applicant shall create a record of calls received on such public telephone number, which shall include the date of the call, and which shall summarize the nature of the call and the response provided by Applicant. The call record shall be provided to the County and the City of Fort Morgan every month.

4. GENERAL PROVISIONS

A. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County representatives are authorized to inspect the Property at any reasonable time upon notice to the Applicant.

B. The Applicant shall comply with all governmental and regulatory agency requirements and permits, including without limitation those promulgated for the protection of health, safety, and welfare of the inhabitants of Morgan County. Such compliance shall include without limitation compliance with the regulations of the Colorado Department of Public Health and Environment, the Colorado Department of Agriculture, and the United States Environmental Protection Agency.

C. Material alterations to the proposed development as set forth in the Application shall require an amendment to this Permit, after hearings before the Morgan County Planning Commission and the Board of County Commissioners. Nonmaterial alterations may be approved by the Morgan County Planning Administrator, upon receipt of a written application requesting approval of the proposed alterations.

D. This Application shall comply with all requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 20th day of December, 2016

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

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Chair Teague presented to the Board Resolution 2016 BCC 35 Granting a conditional use for the expansion of the Western Sugar Cooperative sugar process facility. Chair Teague stated this item has been tabled for the past couple of weeks and indicated the resolution has been revised to include the same conceptual understanding but a change in wording regards to the legal description to ensure clarity for future needs.

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Commissioner Zwetzig made a motion to approve Resolution 2016 BCC 35 Granting a conditional use for the expansion of the Western Sugar Cooperative sugar process facility as outlined by the above resolution. Chair Teague seconded the motion and motion carried 2-0.

CITIZEN'S COMMENT

There was no citizen's comment.

Being no further business, the meeting was adjourned at 9:27 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board

(Minutes ratified December 27, 2016)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

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

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

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey