

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF MORGAN COUNTY COMMISSIONERS

### Minutes of Meeting

March 4, 2014

The Board of Morgan County Commissioners met on Tuesday, March 4, 2014 at 9:02 a.m. with Chairman Jim Zwetzig and Commissioner Brian McCracken in attendance. Commissioner Teague was absent. Chairman Zwetzig called the meeting to order with Morgan County Treasurer and Public Trustee Bob Sagel leading the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

Consideration of Approval of the Board of County Commissioners Meeting Minutes dated February 25, 2014  
Ratify the Board of County Commissioners signatures on the support letter to Al Gold, Community Resources & Housing Development Corporation, dated February 25, 2014  
Ratify Chairman James Zwetzig's signature for assignment of debt collection to Wakefield and Associates for Morgan County Ambulance Service clients (#130613; #110047)  
Ratify Commissioner Laura Teague's signature on the Detailed Damage Inspection Report, Emergency Repair (Morgan County Site 2) (FEMA) dated February 24, 2014  
Ratify Chairman James Zwetzig's signature approving the Victim Assistance Program Grant Application, dated February 21, 2014  
Ratify the Board of County Commissioners approval of Contract #2014 CNT 39 – Intergovernmental Agreement with State of Colorado, Department of Transportation (Flood Master IGA), dated February 11, 2014  
Ratify the Board of County Commissioners approval of Contract #2014 CNT 40 – SECURUS, Technologies, Fourth Amendment to Master Services Agreement

Commissioner McCracken made a motion to approve all items on the Consent Agenda. Chairman Zwetzig seconded the motion. Motion carried 2-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

### **CONSIDERATION OF APPROVAL-RESOLUTION-2014 BCC 07-RESOLUTION TO VOID CHECKS AND STOP PAYMENT ORDER**

#### **RESOLUTION 2014 BCC 07**

#### **MORGAN COUNTY GOVERNMENT RESOLUTION TO VOID CHECKS AND STOP-PAYMENT ORDER**

Be it resolved that on this 4th day of March, 2014, the Morgan County Board of County Commissioners hereby authorizes the cancellation of the following warrants.

<u>Check#</u>	<u>Date</u>	<u>Category (Fund) Issued To</u>	<u>Amount</u>	<u>Reason</u>
1015127	12/11/13	SOCIAL SERVICES FUND S.A.R.A. Inc.	\$6,250.00	Lost Check

NOTE: The Morgan County Board of County Commissioners resolves that all warrants outstanding after the specified time period on the face of the warrant will be canceled, with the stipulation that should such warrant be presented for payment, a new warrant will be issued as a replacement warrant.

#### STOP PAYMENT ORDER

The Board of County Commissioners for the County of Morgan hereby orders stop-payment of the above cancellations.

Should one of these warrants, which has been reported canceled, be presented to the county treasurer, he will reject it to the bank as stale dated or lost. The county department will issue a new warrant and report this as an adjustment on the current appropriate "Statement of Expenditure".

Dated this 4<sup>th</sup> day of March, 2014

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

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s/Jim Zwetzig  
Jim Zwetzig, Chairman

# 2 COMMISSIONERS PROCEEDINGS

s/Brian McCracken

Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

s/ Connie Ingmire

Morgan County Administrative Services Manager Susan Bailey presented to the Board for approval Resolution 2014 BCC 07 for stop payment and void check number 1015127 dated December 11, 2013 from the Social Services Fund issued to S.A.R.A., Inc. in the amount of \$6,250.00. Bailey noted the check has been lost and a new check needs to be issued. Commissioner McCracken made a motion to approve Resolution 2014 BCC 07 as outlined by Bailey. Chairman Zwetzig seconded the motion. Motion carried 2-0.

## **CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT-2014 PMT 06-MORGAN COUNTY QUALITY WATER DISTRICT**

Morgan County Road Supervisor John Goodman presented to the Board for approval Right of Way Permit 2014 PMT 06 for the Morgan County Quality Water District to bore across Morgan County Road T.7 approximately two hundred feet east of Morgan County Road 8, Wiggins, CO to install new water service. Goodman reported an inspection had been done and the fees were attached. Chairman Zwetzig noted the longitude and latitude was provided on the map that was submitted and Goodman will get the exact longitude and latitude when the project is completed. Commissioner McCracken made a motion to approve Right of Way Permit 2014 PMT 06 as outlined by Goodman. Chairman Zwetzig seconded the motion. Motion carried 2-0.

## **CONSIDERATION OF APPROVAL-CONTRACT-2014 CNT 41-SOUTHWEST SECURITIES, INC**

Morgan County Treasurer and Public Trustee Bob Sagel presented to the Board for approval Contract 2014 CNT 41 with PEAKS Public Investment Advisors using Southwest Securities, Inc. as a third party custodian account for future investments. Sagel reported other counties in the State are using Southwest Securities, Inc. and wants to get things set up in the event Morgan County decides to use them. Sagel noted this has gone through all the appropriate routing departments. Commissioner McCracken made a motion to approve Contract 2014 CNT 41 with Southwest Securities, Inc. for the purpose of establishing a third party custodian with no funding source at this time and authorize the Chairman to sign. Chairman Zwetzig seconded the motion. Motion carried 2-0.

## **CONSIDERATION OF APPROVAL-CONTRACT-2014 CNT 42-MEMORANDUM OF UNDERSTANDING WITH THE CITY OF FORT MORGAN**

Morgan County Director of Communications Danette Martin presented to the Board for approval Contract 2014 CNT 42 the Memorandum of Understanding with the City of Fort Morgan to establish and maintain telecommunications connectivity between the Morgan County Justice Center and the City of Fort Morgan Police Department. Martin stated the present connection is copper cable that has been in place for twenty-eight years and has been damaged and can no longer maintain the telecommunications between the County and the City of Fort Morgan. Martin noted in the 1980's, the Police Department monitored the alarms that were connected from the Police Department to the Justice Center with these lines being monitored by the Dispatch Center. Martin stated these alarms are no longer in use, however, direct dial is needed into the squad rooms and Municipal Court. Martin noted there was never anything in writing concerning the connectivity, however, the City of Fort Morgan has agreed to pay for the initial installation costs and the County will pay for a contracted technician to install cable within the Justice Center and any maintenance of the cable and service within the Justice Center will be the County's responsibility. Martin noted with the new connectivity, it will give the County direct dial into the Communications Center. Commissioner McCracken made a motion to approve Contract 2014 CNT 42 the Memorandum of Understanding with the City of Fort Morgan for the purpose of establishing and maintaining telecommunications connectivity between the City of Fort Morgan and Morgan County with the term effective March 3, 2014 until terminated pursuant to Section 11 of the agreement. Chairman Zwetzig seconded the motion. Motion carried 2-0.

## **CONSIDERATION OF APPROVAL-BID AWARD-VARIOUS FLEET VEHICLES**

Morgan County Fleet Manager Bruce Bass presented to the Board for approval the Various Fleet Vehicles Bid Award noting that all the vehicles in the bid award have been identified on the replacement schedule and budgeted for the 2014 year. The first bid award is for the purchase of two 2014 Ford F-350 4x4 welding trucks for the Bridge Department from Stone Motors, Inc., Colorado State Agreement #07000YYY89M in the amount of \$29,330.00 per vehicle for a total of \$58,660.00. Bass noted the welding beds used for the new vehicles are ones from the two 1990 welding trucks that are being replaced that will not be kept in the fleet. Commissioner McCracken made a motion to approve the bid award for two 2014 Ford F-350 4x4 welding trucks as outlined by Bass. Chairman Zwetzig seconded the motion. Motion carried 2-0.

Morgan County Fleet Manager Bruce Bass presented to the Board for approval the second bid award for the purchase of one Ram 1500 4x4 police pickup from Korf Continental, State Agreement #07000YYY90M for a total of \$26,048. Bass noted the pickup is for the Morgan County Sheriff's Department with the department asking to upgrade to a pickup. Commissioner McCracken made a motion to approve the bid award for one patrol Ram 1500

# COMMISSIONERS PROCEEDINGS 3

4x4 pickup for the Morgan County Sheriff's Department as outlined by Bass. Chairman Zwetzig seconded the motion. Motion carried 2-0.

Morgan County Fleet Manager Bruce Bass presented to the Board for approval the third bid award for the purchase of one Ram 1500 4x4 police pickup from Korf Continental, State Agreement #07000YYY90M for a total of \$26,543.00. Bass noted the pickup is for the Morgan County Sheriff's Administration with the original budgeted vehicle being a full size SUV, however, the Sheriff's Department requested a pickup instead which saved the County approximately \$9,000.00. Commissioner McCracken made a motion to approve the bid award for one Ram 1500 4x4 pickup for the Morgan County Sheriff's Department with the purchase price of \$26,543.00. Chairman Zwetzig seconded the motion. Motion carried 2-0.

Morgan County Fleet Manager Bruce Bass presented to the Board for approval the fourth bid award for the purchase of one Ford F-150 4x4 pickup from Lakewood Fordland, State Agreement #07000YYY81M for a total of \$22,445.00. Bass noted the pickup is for Morgan County Planning and Zoning for the building inspector. Bass stated the original budgeted item was for one small pickup, however, it was less expensive to purchase a half ton pickup. Commissioner McCracken made a motion to approve the bid award for one Ford F-150 4x4 pickup for the Planning and Zoning Department for the purchase price of \$22,445.00. Chairman Zwetzig seconded the motion. Motion carried 2-0.

Morgan County Fleet Manager Bruce Bass presented to the Board for approval the fifth bid award for the purchase of one 2014 Dodge Durango Police SUV from Colorado Springs Dodge, State Agreement #07000YYY86M for a total of \$29,353.00. Bass noted the SUV is for the Morgan County Sheriff's Department replacing a SUV currently in use. Commissioner McCracken made a motion to approve the bid award for one 2014 Dodge Durango Police SUV for the purchase price of \$29,353.00. Chairman Zwetzig seconded the motion. Motion carried 2-0.

Morgan County Fleet Manager Bruce Bass presented to the Board for approval the sixth bid award for the purchase of one Ford F-350 4x4 service truck from Stone Motors, Inc., State Agreement #07000YYY89M for a total of \$49,220.00 which includes the cost of a Stellar EC3200 crane which was in the budget. Bass noted this vehicle is replacing a 1990 service truck that is in the fleet. Bruce stated the crane that is on the 1990 service truck will be switched over to a welding truck. Commissioner McCracken made a motion to approve the bid award for one Ford F-350 4x4 service truck for the Fleet Department for the purchase price of \$49,220.00. Chairman Zwetzig seconded the motion. Motion carried 2-0.

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

Morgan County Clerk and Recorder Connie Ingmire the County Election Division announcement to let the citizens of Morgan County know that according to House Bill 13-1303 which dictates that all elections are conducted as mail ballot elections with Voter Service Polling Centers. Ingmire reported that Morgan County is required to have one Voter Service Polling Center for the upcoming Primary Election to be held June 24, 2014 and three for the General Election to be held November 4, 2014. Ingmire stated for the Primary Election the Morgan County Election Division would designate the Elections Office located at 231 Ensign St., Fort Morgan, CO. Ingmire noted for the General Election, three sites are being proposed: Morgan County Fairgrounds located at 750 Ellsworth St., Brush, CO, the Morgan County Assembly Building located at 231 Ensign St., Fort Morgan, CO and the Wiggins Fire hall located at 701 Central Ave., Wiggins, CO. Ingmire stated citizens may submit their comments by calling the Morgan County Clerk and Recorder's Office located at 231 Ensign St., Fort Morgan, CO or by mail to P.O. Box 1399, Fort Morgan, CO by March 17, 2014 no later than 4:00 p.m. Ingmire noted comments may also be sent by e-mail at [votemorganc@co.morgan.co.us](mailto:votemorganc@co.morgan.co.us).

Commissioners reviewed the calendar dated February 28, 2014 through March 11, 2014 with no changes.

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **LIQUOR LICENSE**

### **APPLICATION FOR A NEW RETAIL LIQUOR LICENSE-EAST PLATTE LIQUOR**

Public Hearing opened at 9:34 a.m.

Morgan County Clerk and Recorder Connie Ingmire presented to the Board for approval the Retail Liquor License Renewal Application for East Platte Liquor located at 19309 Hwy. 34, Fort Morgan, CO noting the license expires May 9, 2014. Ingmire noted all the documents had been submitted and fees attached. Morgan County Sheriff Crone had nothing negative to report. There was no public comment. Public Hearing closed at 9:35 a.m. Commissioner McCracken made a motion to approve the Retail Liquor License Application for East Platte Liquor located at 19309 Hwy. 34, Fort Morgan, CO and authorize the Chairman to sign. Chairman Zwetzig seconded the motion. Motion carried 2-0.

## **CITIZEN'S COMMENT PERIOD**

There were no citizen comments.

We hereby adjourn and are in recess at 9:36 a.m.

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Respectfully submitted,

Dee Loose  
Deputy Clerk to the Board

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

\_\_\_\_\_  
s/Jim Zwetzig  
Jim Zwetzig, Chairman

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s/Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

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s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

**MORGAN COUNTY BOARD OF COMMISSIONERS  
March 4, 2014 MINUTES**

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, March 4, 2014 at 9:41 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners Brian McCracken and James P. Zwetzig. Also present were John Crosthwait, Planning Administrator; and Jody Meyer, Planning Assistant, and Susan Bailey, Administrative Services Manager for Morgan County.

The hearing was called to order by Chairman Commissioner Zwetzig.

**NEW BUSINESS:**

**APPLICANT: JACAM Chemicals 2013, LLC**  
**LANDOWNER: Jenkel Holdings, LLC**

Application for Use by Special Review located in Lot 9A, Corrected Plat of the Replat of Lots 9 and 10 of Hy-Plains Subdivision, located in the NE1/4 Section 7, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 12579 Energy Road, Fort Morgan, Colorado 80701.

Jason West, President of JACAM Chemicals 2013, and Courtney Schueren, Executive Assistant, were present to represent the file.

John Crosthwait presented the file, recommended approval, and noted the following:

The applicants wish to establish an oil and gas production chemical storage business in the existing warehouse buildings located on Lott 9A. The existing buildings are very large, and are adequate for the present and any future growth of JACAM Chemicals 2013, LLC. JACAM intends to warehouse and store chemicals used in the oil and gas industry for treating existing oil and gas wells and pipelines in Northeast Colorado and Southeast Wyoming. JACAM anticipates adding 3-4 employees who will work out of this facility. All the chemicals stored at this location will in sealed containers, thus no mixing or blending will occur. All of the facilities owned by JACAM have Security Plans and Emergency Response Plans in as required. The chemicals which will be stored at this facility are identified, and are an attachment to this file. A sample Emergency Response Plan has been submitted with this application; however, a specific plan will be developed for this specific site and given to the Morgan County Emergency Manager. The file also contains a letter from the Fort Morgan Rural Fire Department Chief. Offsite impacts will be minimal as the applicant states that inbound deliveries will be weekly or bi-weekly from Sterling, Kansas via semi truck, and outbound deliveries will be daily with the 3-4 employees using pickup trucks or small 2 ton delivery trucks.

Vesting of Rights has not been requested.

The facility is presently served by an onsite septic system and an existing Morgan County Quality Water Tap #1532.

This will be a positive development for Morgan County, with minimal or no impact to existing County infrastructure and little or no noise, odors, or unsightly issues, while utilizing existing warehouses to a beneficial use.

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All appropriate notices, posting and publication requirements have been met. Taxes are current. Site is not in the floodplain.

Jason West reviewed the project by showing a power point presentation. He said this facility is very similar in its uses as with their next door neighbor, Basic Energy. A list of safety and environmental training was shown in the presentation. They want to be a good neighbor.

Jason West brought some of the products they use to show the Board. He brought solid color-coded balls and weighted pellets which he said feel like soap and will dissolve in water. He said the balls run along the bottom of the pipelines to help clean corrosion caused by water and bacterial contamination. These products are very unique to JACAM and are environmentally safe.

Commissioner Zwetzig wanted to know how much OSHA is involved in this type of facility. Jason West said they are very active and attentive depending on the size of the site. He also said they have never felt over-regulated. This site will also have a First Responders' plan so the Fire Department and Emergency Management will know the lay-out of products stored at this site.

Rural Fire Protection – John Crosthwait said the Fire Chief sent in a letter of approval with the requirement that the applicant will produce a response plan and have a supply list of chemicals that are on site. Said response plan and chemical supply list will be delivered to the Office of Emergency Management also.

Steve Enfante, from the Office of Emergency Management, said he is good with the application and the information submitted to the Planning and Zoning Department.

Sheriff Jim Crone noted this was a good location for this type of industry and it is in a low populated area which will mean easier access if needed.

There was no one present to speak in opposition to this application.

John Crosthwait reviewed the Resolution and noted the conditions placed therein as outlined in the following Resolution #2014 BCC 06:

## **RESOLUTION 2014 BCC 06**

**A Resolution Granting a Special Use Permit to place and Oil and Gas production chemical storage facility in Lot 9A, Corrected Plat of the Replat of Lots 9 and 10 of Hy-Plains Subdivision, located in the NE1/4 Section 7, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado.**

**WHEREAS**, on March 4, 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 JACAM Chemicals 2013, LLC as applicant, and Jenkel Holdings, LLC as landowner for a Special Use Permit to store and distribute oil and gas production chemicals located in an existing building located in Lot 9A, Corrected Plat of the Replat of Lots 9 and 10 of the Hy-Plains Subdivision, located in the NE1/4 of Section 7, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 12579 Energy Road, 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 comment received regarding this application, and

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

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

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

### **1. APPROVAL:**

The application of JACAM Chemicals 2013, LLC as applicant, and Jenkel Holdings, LLC as landowner for a Special Use Permit to store and distribute oil and gas production chemicals in an existing building located in Lot 9A, Corrected Plat of the Replat of Lots 9 and 10 of Hy-Plains Subdivision, located in the NE1/4 of Section 7, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan county, Colorado, aka 12579 Energy Road, fort Morgan, Colorado 80701, is hereby granted.

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## 2. FINDING OF FACT:

- a. The use and its location proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:
  - i. The project will broaden employment opportunities for residents and will further economic growth.
  - ii. The proposed use is compatible with existing land uses and there is access to established public infrastructure.
  - iii. The use will protect existing agricultural operations by allowing them to continue while not restricting private property rights.
- b. The application documents are complete and present a clear picture of how the use is proposed.
- c. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography.
- d. The special use poses no or minimal risk to the public health, safety and welfare.
- e. The special use is not on a nonconforming parcel of land. That parcel being Zoned "HI" Heavy Industrial.
- f. The applicants have adequately documented a public need for the project in the form of increased economic development. The applicants have submitted all pertinent technical information, have demonstrated that they have adequate financial resources to implement the project, and have paid all fees and review costs.

## 3. CONDITIONS:

- a. All on and off-site impacts have been satisfactorily mitigated. Required mitigation measures shall include, but not limited to the following:
- b. The applicant is required, as a condition of this permit, to furnish any purchaser or successor in interest to the permitted property with a copy of the Morgan County Right to Farm Policy and Notice as adopted by Resolution 96 BCC 41 on July 23, 1996 and amended by Resolution 2008 BCC 34 on September 2, 2008, and Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchaser or other successors.
- c. Any past, existing, or future drainage problems on this property are the responsibility of the landowner and not that of Morgan County.
- d. 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 specifically followed.
- e. The applicants are specifically required to supply the Morgan County Office of Emergency Management and the Fort Morgan Rural Fire Department a listing of all potentially hazardous chemicals stored at the facility.

## 4. GENERAL PROVISIONS:

- a. The Board of County Commissioners retains continuing jurisdiction on this permit to address future possible problems with the site and to insure compliance with the conditions of this permit and the Morgan County Zoning Regulations. The County also retains jurisdiction and the right and authority of County personnel to inspect the site at any reasonable time.
- b. The applicants are 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 Commissioners after notice to the applicants or their successors in interest and public hearing.

DATED this 4<sup>th</sup> day of March, 2014

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

s/Jim Zwetzig

Jim Zwetzig, Chairman

s/Brian McCracken

Brian McCracken, Commissioner

# COMMISSIONERS PROCEEDINGS 7

(SEAL)

**ATTEST:**

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s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

**It was moved by Commissioner McCracken and seconded by Commissioner Zwetzig to approve an Application for Use by Special Review to establish an oil and gas production chemical storage business located in Lot 9A, Correction Plat of the Replat of Lots 9 and 10 of Hy-Plains Subdivision, located in the NE1/4 Section 7, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 12579 Energy Road, Fort Morgan, Colorado 80701. Commissioner McCracken noted all requirements have been met. Motion carried 2-0 becoming Resolution #2014BCC06.**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant

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

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s/Jim Zwetzig  
Jim Zwetzig, Chairman

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s/Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

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s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board