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BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

April 13, 2010

The Board of Morgan County Commissioners met on Tuesday, April 13, 2010 at 9:00 a.m. with Chairman Brian McCracken, Commissioner Tony Carlson and Commissioner Laura Teague in attendance. Chairman Brian McCracken called the meeting to order with Economic Development Director Kari Linker leading the Pledge of Allegiance to the Flag.

CONSENT AGENDA

The following items were on the Consent Agenda:

Consideration of Approval of Minutes dated April 6, 2010

Ratify Chairman Laura Teague's signature on a support letter for the reconsideration regarding cancellation of the Nurse Family Partnership program

Ratify Commissioner Brian McCracken, Commissioner Tony Carlson and Commissioner Laura Teague's signatures on not opposing fee-title acquisition of 80 acres by the Colorado Division of Wildlife from the Asnicar Family

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

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

CONSIDERATION OF APPROVAL-MORGAN COUNTY 9-1-1-PROCLAMATION NATIONAL 9-1-1-TELECOMMUNICATOR'S WEEK-APRIL 11-17, 2010

Communications Director Pam Monsees presented to the Board the 9-1-1 Proclamation for the National 9-1-1 Telecommunicator's Week beginning April 11, 2010 through April 17, 2010. Monsees reported there were one hundred ten thousand four hundred eighteen calls resulting in eighty-two thousand one hundred forty-eight dispatched calls in 2009. There will be numerous activities at the Communication Center during the week and is open to the public. Commissioner McCracken and Commissioner Teague thanked Monsees and the Communication Center staff for their diligence and professionalism. Commissioner Teague made the motion to accept this proclamation and Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-MORGAN COUNTY OFFER TO PURCHASE COUNTY OWNED PROPERTY AND TAX LIENS

Morgan County Treasurer Bob Sagel presented to the Board a proposal by a Texas resident who wants to purchase four County owned tax lien parcels and seven severed mineral interests which the County has held since 1999 in the amount of \$2,050.00. Sagel stated the tax lien amount in 1999 was \$420.50. The owners were given the first right to redeem which they refused. The County would not collect the entire \$2,050.00, but would be split between Morgan County entities including school districts, fire districts, etc. in the same proportion as regular property taxes. The County would receive approximately thirty to thirty-five percent. Commissioner Teague made the motion to approve the \$2,050.00 offer for the sale of the tax lien parcels and severed mineral interest. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CENTENNIAL MENTAL HEALTH IOG

Human Services Director Steve Romero presented to the Board a contract between the Morgan County Interagency Oversight Group and Centennial Mental Health to hire a full time facilitator program coordinator. The Colorado General Assembly passed House Bill 1451 in 2004 mandating funding for local agencies such as Northeast Colorado Public Health Department, Centennial Mental Health Department, Thirteenth Judicial District Probation Department, SHARE Incorporated, RE-3 School District and Morgan County Department of Human Services. The funds would provide support teams that would assist children and families requiring assistance. There are currently twenty-seven counties participating in this program. Commissioner Teague made the motion to approve the Human Resources Contract for March 1, 2010 through April 30, 2011 in the amount of \$52,277.00 and authorize the chairman to sign the contract. Commissioner Carlson seconded the motion. Motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar for April 9, 2010 through April 19, 2010 with no changes. There was no Road and Bridge Report.

Morgan County Sheriff Jim Crone presented his 2009 Sheriff's Department Annual Report. The Sheriff's Department responded to seventeen thousand three hundred eleven calls, six hundred thirty transports, five hundred ninety-five arrests, four hundred twenty-seven thousand six hundred nineteen total miles traveled and \$291,300.00 total revenue for 2009. Sheriff Crone recommended to the Board he would like to see other agencies or volunteers respond to animal calls allowing his staff more time to perform other duties.

UNFINISHED BUSINESS

There was no unfinished business.

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LIQUOR LICENSES

Public Hearing opened at 9:36 a.m.

SPECIAL EVENTS PERMIT-THE SCHOOL FOR THE PERFORMING ARTS

Chairman Brian McCracken presented an application from James Graff, President of The School for the Performing Arts. The School for the Performing Arts will be taking over the Glenn Miller Festival activities. This permit would be for the Saturday night dance on June 26, 2010 at the Fort Morgan Municipal Airport Hangar which is part of the annual fund raiser for the school's scholarship program. Graff stated there would be food for purchase and free light snacks and are anticipating approximately two hundred people. Chairman McCracken opened the hearing for public comment. County Attorney George Monsson questioned who would be serving, if they had previous experience and would there be some type of security. Graff noted they had former Jaycee volunteers that would be serving and monitoring the doors for security. Commissioner Teague made the motion to approve the application noting fees had been paid and authorize the chairman to sign the application. Commissioner Carlson seconded the motion. Motion carried 3-0.

HOTEL AND RESTAURANT LIQUOR LICENSE RENEWAL WITH OPTIONAL PREMISES-EMCO RECREATION AND SPORTS CLUB

Chairman McCracken presented the liquor license renewal request with Mark Smith present representing EMCO Recreation and Sports Club, Inc. doing business as Bunker Hill Country Club. Sheriff Crone reported the background check was clear. Chairman McCracken opened the hearing for public comment. There was no public comment. Commissioner Teague made a motion to approve the liquor license application and authorize the chairman to sign noting the fees were paid. Commissioner Carlson seconded the motion. Motion carried 3-0.

LIQUOR OR 3.2 BEER LICENSE RENEWAL-WJ LIQUORS

Chairman McCracken presented the Retail Liquor License renewal application submitted by Wiggins Junction, LLC located at 17104 Highway 39, Wiggins, CO. The applicant Muatasem M. Ibrahim was present. Sheriff Jim Crone stated there was nothing negative to report noting the business has been operating for two years. Chairman McCracken opened the hearing for public comment. There was no public comment. Commissioner Teague made the motion to approve the application and authorize the chairman to sign noting the fees were paid. Commissioner Carlson seconded the motion. Motion carried 3-0.

TAVERN LIQUOR LICENSE RENEWAL-ROCCO'S GROTTO

Chairman McCracken presented before the Board a Tavern Liquor License renewal application for Rocco's Grotto also known as Aroma, Inc. Owner Raymond Gallo was present. Sheriff Jim Crone gave a positive verbal report to the Board. The required fees have been paid. Chairman McCracken opened the hearing for public comment. There was no public comment. Commissioner Teague made the motion to approve the application and authorize the chairman to sign. Commissioner Carlson seconded the motion. Motion carried 3-0.

LIQUOR OR 3.2 BEER RETAIL LICENSE RENEWAL-SHORELINE INVESTMENTS-DBA SHORELINE MARINA

Chairman McCracken presented before the Board a 3.2 Beer Retail License renewal application for Shoreline Marina. Owner and President of Shoreline Marina, Margaret Pope was present. Sheriff Jim Crone had a positive report stating when there had been emergency situations at Jackson Lake, Shoreline Marina had been very helpful and supportive when needed. Chairman McCracken opened the hearing for public comment. There was no public comment. Commissioner Teague made the motion to accept the renewal noting that the appropriate fees were attached to the application and authorize the chairman to sign. Commissioner Carlson seconded the motion. Motion carried 3-0.

TAVERN LIQUOR LICENSE RENEWAL-RANCHO LA HERRADURA

County Clerk Connie Ingmire stated she had contacted owner and operators Santiago Cisneros and Ermila Pulido-Morales several times regarding this liquor license renewal with no response. Morgan County Attorney George Monsson recommended the Board table the renewal until the May 11, 2010 Board of County Commissioner's meeting. Commissioner Teague made the motion to table the renewal until May 11, 2010 and Commissioner Carlson seconded the motion. Motion carried 3-0.

Public Hearing closed at 9:58 a.m.

CITIZEN'S COMMENT PERIOD

There were no citizen comments. The meeting recessed at 9:59 a.m.

Respectfully submitted,

Janet Thomas
Deputy Clerk to the Board

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BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

Brian McCracken, Chairman

Tony L Carlson, Commissioner

Laura Teague, Commissioner

(SEAL)
ATTEST:

Connie Ingmire, Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS April 13, 2010 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, April 13, 2010 at 10:00 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners McCracken, Carlson, and Teague. Also present were Barb Gorrell, Planning Administrator; Jody Meyer, Planning Assistant; and George Monsson, County Attorney.

The hearing was called to order by Chairman Commissioner McCracken.

NEW BUSINESS:

Applicant: Public Service Company of Colorado

Landowner: Various

Application for 1041 Permit, Areas and Activities of State Interest, located in portions of Sections 32, 29, 28, 27, 22, 15, 11, 10, 2, and 1, Township 1 North, Range 59; portions of Sections 6, 5, 4, 3, 2, and 1, Township 1 North, Range 58 West; portions of Sections 6, 5, 4, and 3, Township 1 North, Range 57 West; portions of Sections 35, 34, 26, 24, 23, 13, and 12, Township 2 North, Range 57 West; and portions of Sections 7 and 6, Township 2 North, Range 56 West; and portions of Sections 31, 30, 20 and 19 Township 3 North, Range 56 West of the 6th P.M., Morgan County.

Steve Gray, representing Xcel Energy/Public Service Company of Colorado, was present to represent this application.

Barb Gorrell presented the file, recommending approval and she noted the following:

This application has been referred to the Planning Commission for review by the Board of County Commissioners.

This application is for construction of a new double circuit 345kV transmission line to connect its existing Pawnee generation facility to the Smoky Hill Substation near Aurora. According to the application the new transmission line will ensure reliable delivery of power to existing customers and meet forecasted demand in the Denver metro area. The project will accommodate additional new electric generation, including renewable energy in compliance with Senate Bill 07-100 (SB 100).

PSCo filed its application with the Colorado PUC for a "Certificate of Public Convenience and Necessity (CPCN) on October 31, 2007. The PUC issued the CPCN on February 26, 2009 noting that "the existing transmission lines cannot reliably accommodate existing generation sources. Likewise, the existing lines cannot accommodate additional generation anticipated by SB 100. The proposed transmission line will allow generation development, including renewable energy development, to move forward."

The majority of the transmission line will follow existing transmission lines. The structures will be approximately 100' – 150' high and will be spaced so as to maximize their alignment with the existing structures to the greatest extent practicable. The line enters Morgan County to the east of Hoyt and continues northeast to the Pawnee Station. Two miles of the route is cultivated farmland, with the remaining land being used for grazing. The total length of the transmission line is 95 miles with 28.5 miles within Morgan County.

All affected landowners have been contacted. Leases are pending approval of the project. All natural and socio-economic impacts have been thoroughly addressed in the application.

The project will also include construction of a new 345kV substation at the Pawnee Power Plant.

All appropriate notices, posting and publication requirements have been met. The transmission line will cross "A" Agriculture Zones with the substation located in the "HI" Heavy Industrial Zone.

Barb noted that the Planning Commission recommended approval of this application and noted there was no public comment at that hearing.

Steve Gray, 550 15th Street, Denver, Colorado, reviewed the project with the Commissioners. He displayed drawings of the transmission lines and circuits and the route they would take through the county. He explained the

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diagonal route of the transmission line going south of Co Rd F noting it was a more direct route for them and followed other lines they had in that area. This project will cost approximately 44 million.

Commissioner Teague thought this was a good project for the County.

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

Kari Linker of Morgan County Economic Development spoke in favor of this application.

Commissioner Carlson noted it was a good idea to parallel the new lines with the existing ones.

It was moved by Commissioner Carlson and seconded by Commissioner Teague to approve this Application for 1041 Permit, Areas and Activities of State Interest for construction of a double circuit 345kV transmission line and a 345kV substation located in portions of Sections 32, 29, 28, 27, 22, 15, 11, 10, 2, and 1, Township 1 North, Range 59; portions of Sections 6, 5, 4, 3, 2, and 1, Township 1 North, Range 58 West; portions of Sections 6, 5, 4, and 3, Township 1 North, Range 57 West; portions of Sections 35, 34, 26, 24, 23, 13, and 12, Township 2 North, Range 57 West; and portions of Sections 7 and 6, Township 2 North, Range 56 West; and portions of Sections 31, 30, 20 and 19 Township 3 North, Range 56 West of the 6th P.M., Morgan County. Motion carried 3-0, becoming Resolution #2010BCC13.

RESOLUTION 2010 BCC 13

A Resolution Granting a Permit for an Area and Activity of State Interest

WHEREAS, on April 13, 2010 the Board of County Commissioners of Morgan County, Colorado held a public hearing pursuant to the Morgan County Zoning Regulations and the Morgan County Regulations for Areas and Activities of State Interest (1041 Regulations) on the application of Public Service Company of Colorado, for construction of a double circuit 345kV transmission line and a 345kV substation located in portions of Sections 32, 29, 28, 27, 22, 15, 11, 10, 2, and 1, Township 1 North, Range 59; portions of Sections 6, 5, 4, 3, 2, and 1, Township 1 North, Range 58 West; portions of Sections 6, 5, 4, and 3, Township 1 North, Range 57 West; portions of Sections 35, 34, 26, 24, 23, 13, and 12, Township 2 North, Range 57 West; and portions of Sections 7 and 6, Township 2 North, Range 56 West; and portions of Sections 31, 30, 20 and 19 Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, and

WHEREAS, notice of the public hearing was properly published, and

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

WHEREAS, there was no public comment regarding this application presented to the Board of County Commissioners, and

WHEREAS, the Board of County Commissioners received the testimony of the Morgan County Planning Administrator, and

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

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

1. APPROVAL:

The application of Public Service Company of Colorado, for construction of a double circuit 345kV transmission line and a 345kV substation located in portions of Sections 32, 29, 28, 27, 22, 15, 11, 10, 2, and 1, Township 1 North, Range 59; portions of Sections 6, 5, 4, 3, 2, and 1, Township 1 North, Range 58 West; portions of Sections 6, 5, 4, and 3, Township 1 North, Range 57 West; portions of Sections 35, 34, 26, 24, 23, 13, and 12, Township 2 North, Range 57 West; and portions of Sections 7 and 6, Township 2 North, Range 56 West; and portions of Sections 31, 30, 20 and 19, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, is hereby granted.

2. FINDINGS OF FACT:

a. The use and its location are in conformance with the Morgan County Comprehensive Plan.

b. The application documents are complete and present a clear picture of how the transmission line will be aligned to create minimum impact on surround areas.

c. All on and off-site impacts have been satisfactorily mitigated. Required mitigation measures shall include, but not be limited to the following:

i. The applicant is required, as a condition of this permit, to furnish any purchaser or other successor in interest to the permitted property with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96 BCC 41 on July 23, 1996, and amended by Resolution 2008 BCC 34 on September 2, 2008, and the Receipt and Statement of Understanding of said policy.

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The Policy 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.

ii. Copies of all state and/or federal permits and inspection reports shall be furnished to the Morgan County Planning Department upon its request.

- d. The activity poses no or minimal risk to the public health, safety and welfare.
- e. The Area and Activity of State Interest is not planned to be developed on nonconforming parcels of land.

3. **ADDITIONAL CONDITIONS:**

- a. This permit is specifically conditioned on all information presented in the application being followed. All information contained in the application or presented by the applicant at public hearings is deemed to be a portion of this permit and must be specifically followed.

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 and the Morgan County Regulations for Areas and Activities of State Interest.
- b. The County also retains jurisdiction and the right and authority of county personnel to inspect the site at any reasonable time.
- c. The applicant is responsible for complying with all the foregoing requirements, conditions and design standards. Noncompliance with any of the foregoing requirements, conditions or design standards may be reason for revocation of this permit by the Board of County Commissioners after notice to the applicant or their successors in interest and public hearing.

DATED this 13th day of April, 2010.

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

s/Brian McCracken
Brian McCracken, Chairman

ATTEST:

[SEAL]

s/Laura Teague
Laura Teague, Commissioner

s/Tony Carlson
Tony Carlson, Commissioner

s/Connie Ingmire
Clerk to the Board

There being no further business, the meeting was adjourned.

Respectfully submitted,
Jody Meyer, Planning Assistant

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

Brian McCracken, Chairman

Tony L Carlson, Commissioner

(SEAL)
ATTEST:

Laura Teague, Commissioner

Connie Ingmire, Clerk to the Board

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