

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF MORGAN COUNTY COMMISSIONERS

Minutes of Meeting

April 29, 2014

The Board of Morgan County Commissioners met on Tuesday, April 29, at 9:02 a.m. with Chairman Jim Zwetzig, Commissioner Brian McCracken and Commissioner Laura Teague in attendance. Chairman Zwetzig called the meeting to order with Morgan County Economic Development Corporation Executive Director Cassandra Wilson leading the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

- Consideration of Approval of the Board of County Commissioners Meeting Minutes dated April 22, 2014
- Ratify the Board of County Commissioners approval of Contract 2014 CNT 58 – Eskew Construction (Construction of Loading Dock at Landfill as per bid award)
- Ratify the Board of County Commissioners approval of Contract 2014 CNT 59 – Builders Aggregate (County Road 33 Project-FEMA)
- Ratify the Board of County Commissioners approval of Contract 2014 CNT 60 – Builders Aggregate (County Road 33 Project)
- Ratify the Board of County Commissioners approval of Contract 2014 CNT 61 – Ransom Boone Excavating (County Road 33 Project)
- Ratify the Board of County Commissioners approval of Contract 2014 CNT 62 – Chilson Excavating (County Road 33 Project)
- Ratify the Board of County Commissioners approval of Contract 2014 CNT 64 – Hill Petroleum (County Fuel Delivery 4/1/14-9/30/14 as per bid award)
- Ratify the Board of County Commissioners approval of Contract 2014 CNT 65 – Remote Data Backups (Off-Site Backups & DR 4/24/14-04/23/15 as per bid award)
- Ratify Commissioner Laura Teague's signature on the Discharge Monitoring Report for the Morgan County Landfill, dated 4/17/14
- Ratify Chairman James Zwetzig's signature on the letter to State of Colorado Department of Personnel and Administration regarding authorization for Wakefield and Associates to submit claims to the State of Colorado on behalf of Morgan County, letter dated 4/21/14

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

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **CONSIDERATION OF APPROVAL-RESOLUTION-2014 BCC 14-RESOLUTION REVISING 2011 BCC 05-GRANTING A TAX REBATE-BM PROCESSORS, LLC**

##### **RESOLUTION 2014 BCC 15**

#### **A RESOLUTION REVISING 2011 BCC 5 GRANTING A TAX REBATE FOR BM PROCESSORS, LLC**

WHEREAS, BM Processors, LLC ("applicant") has proposed to establish a \$8,128,542 in capital improvements and 30 new full time employees for a bison and beef processing facility ("project"), and

WHEREAS, the project qualifies as a "new business facility" as define by Section 39-22-508.2(3) excluding subparagraph (b), and

WHEREAS, the applicant has requested an economic incentive of a refund of fifty percent (50%) of the real and personal property taxes attributable to the project for a period of four (4) years, and

WHEREAS, the Board of County Commissioners is authorized to grant such a refund pursuant to the authority of Section 30-11-123 C.R.S., and

WHEREAS, the Morgan County Economic Development Corporation has completed an economic analysis of the project, its benefits, and the requested refund, and

WHEREAS, the Board of County Commissioners finds that the project will benefit Morgan County by providing new employment opportunities, increasing the tax base of the county, and overcoming conditions of unemployment and economic distress, and

WHEREAS, the Board of County Commissioners has determined that it is in the best interests of the health, safety, and welfare of the citizens of Morgan County to grant the applicant's request.

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

1. An economic development tax refund shall be made to the applicant equal to fifty percent (50%) of the county taxes levied and paid to Morgan County (including but not limited to the County General Fund, Road and Bridge Fund, Social Services Fund) excluding any interest or penalty, commencing in the first year in which the project is completed and assessed for taxes which are payable the following year.

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2. The refund shall only be made under the following conditions:

- A. All taxes due to be paid to Morgan County are paid on time for each year for which the refund applies.
  - B. The applicant remains eligible to receive the refund and the County remains authorized to grant a refund under applicable Colorado Statute.
  - C. Payment will be made only to the extent appropriations are made by the Board of County Commissioners each year for the purpose of such payment. The Board of County Commissioners is under no legal obligation to appropriate to make the payment.
  - D. The refund shall not be for any Morgan County personal taxes levied on equipment used during construction of the project.
  - E. The Board of County Commissioners or its designee shall be the sole authority to determine the amount of the refund due pursuant to this resolution.
  - F. As a condition of this tax rebate the applicant shall be required to maintain at least 30 full time equivalent new jobs at 100% above the Morgan County Standard Industrial Classification (SIC) code for each position. The applicant shall be required to report annually, prior to January 30<sup>th</sup> of each year, the number of jobs for the previous calendar year, the months those jobs were occupied, the salary paid for those jobs, and the SIC code and Morgan County annual wage for those jobs.
  - G. The refund as to taxable personal property shall be calculated for the net value of personal property installed as part of the project. The personal property shall be deemed to depreciate at 10% per year from the value assigned for the first year. The applicant will report a list and value of personal property. An amount equal to 50% of the taxes on the net value of the personal property attributable to the project shall be refunded for the years 1 through 4. This amount shall be the largest for the first year and decline in subsequent years as a result of depreciation. The total value of personal property attributable to the project shall not exceed three million three hundred thirty three thousand six hundred dollars (\$3,333,600).
  - H. The taxable value of the real property of the applicant attributable to the project shall be assumed to be the difference in value between the value of the entire real property attributable to the project. The underlying value of the property shall not be considered a portion of the project.
3. The refund payments shall be made to the applicant within thirty (30) days of the receipt of the final tax payment for a particular year from the applicant for the taxes levied and paid on the project property.

DATED this 29th day of April, 2014

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

s/Jim Zwetzig

Jim Zwetzig, Chairman

s/Brian McCracken

Brian McCracken, Commissioner

s/Laura Teague

Laura Teague, Commissioner

(SEAL)

ATTEST:

s/ Connie Ingmire

Connie Ingmire, Clerk to the Board

Morgan County Economic Development Corporation Executive Director Cassandra Wilson presented to the Board for approval Resolution 2014 BCC 15 granting a tax rebate noting this is a corrected resolution reflecting specific years commencing in the first year in which the project is completed. Commissioner Teague made a motion to approve Resolution 2014 BCC 15 to revise the 2011 BCC 05 Resolution. Commissioner McCracken seconded the motion. Motion carried 3-0.

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## **CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT-2014 PMT 13-BLACK RAVEN ENERGY, INC**

Morgan County Road Supervisor John Goodman presented to the Board for approval Right of Way Permit 2014 PMT 13 to allow Black Raven Energy, Inc. to trench across Morgan County Road D approximately one thousand four hundred seventy five feet east of Morgan County Road 17 on County Road D to install a three inch polyethylene flow line. Goodman noted the right of way has existing lines and Black Raven Energy, Inc. will use the existing lines as a sleeve for the three inch poly pipe. Goodman stated the fees were attached and a GPS will be done to verify the existing lines that are in the right of way. Commissioner McCracken made a motion to approve Right of Way Permit 2014 PMT 13 with Black Raven Energy, Inc. and authorize the Chairman to sign. Commissioner Teague seconded the motion. Motion carried 3-0.

## **CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT-2014 PMT 14-MORGAN COUNTY QUALITY WATER DISTRICT**

Morgan County Road Supervisor John Goodman presented to the Board for approval Right of Way Permit 2014 PMT 14 to allow Morgan County Quality Water District to bore across Morgan County Road K approximately one thousand nine hundred sixty-two feet east of Morgan County Road 6 on Morgan County Road K to install new water service. Goodman noted the fees were attached. Commissioner Teague made a motion to approve Right of Way Permit 2014 PMT 14 and authorize the Chairman to sign. Commissioner McCracken seconded the motion. Motion carried 3-0.

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

Commissioners reviewed the calendar dated April 25, 2014 through May 6, 2014 with changes.

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **CITIZEN'S COMMENT PERIOD**

There were no citizen comments.

We hereby adjourn and are in recess at 9:13 a.m.

Respectfully submitted,

Dee Loose  
Deputy Clerk to the Board

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

\_\_\_\_\_  
Jim Zwetzig, Chairman

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Brian McCracken, Commissioner

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Laura Teague, Commissioner

(SEAL)

**ATTEST:**

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Connie Ingmire, Clerk to the Board