

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS Minutes of Meeting August 9, 2016

The Board of Morgan County Commissioners met on August 9, 2016 at 9:00 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 Accounting Manager MJ Rhoades to lead the meeting in the Pledge of Allegiance to the Flag.

### **CONSENT AGENDA**

Ratify the Board of County Commissioners approval of Minutes dated July 26, 2016  
Ratify the Board of County Commissioners approval of Contract 2016 CNT 142, Standard Glass, pit repair in windshield #5503, Term of Contract July 16, 2016 until completed  
Ratify the Board of County Commissioners approval of Contract 2016 CNT 143, Standard Glass, replace windshield in Unit #16, Term of Contract July 16, 2016 until completed  
Ratify the Board of County Commissioners approval of Contract 2016 CNT 144, Don Heer, coroner space lease, Term of Contract August 1, 2016 through July 31, 2017  
Ratify the Board of County Commissioners approval of Contract 2016 CNT 145, Evans Consoles Inc, Communications Center furniture and lockers, Term of Contract July 19, 2016 until completed  
Ratify the Board of County Commissioners approval of Contract 2016 CNT 156, Dr. Byron Norton, family and individual therapy, Term of Contract June 1, 2016 through May 31, 2017  
Ratify the Board of County Commissioners approval of Contract 2016 CNT 160, Standard Glass Co., pit repair in windshield #6424, Term of Contract August 3, 2016 until completed  
Ratify the Board of County Commissioners approval of Contract 2016 CNT 161, Caberra Systems, repair fairground LED lighting due to lightening strike, Term of Contract July 6, 2016 until completed  
Ratify the Board of County Commissioners approval of 2016 GRA 011, Stale (SOS), 24/7 stand alone ballot drop box grant, signed on July 28, 2016  
Ratify the Board of County Commissioners signature on Colorado Department of Higher Education Grant Agreement for Morgan Community College Foundation signed on July 28, 2016  
Ratify Chair Laura Teague's signature on the 2016-2017 Core Services Program for the State of Colorado Office of Children, Youth & families signed on August 1, 2016  
Ratify the Board of County Commissioners approval Department Meeting Minutes for the month of July 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.

### **EMPLOYEE APPRECIATION AWARDS –2nd Quarter 2016**

The Board recognized the following employees for their respective years of service to Morgan County:

#### **\*5 Years of Service**

Kasie Muhlbach (DHS)

#### **\*10 Years of Service**

Scott Groves (Road and Bridge)  
Jim Lorenzini (Building/Maintenance)  
Richard Nab (Building/Maintenance)

#### **\*15 Years of Service**

David Bute (DHS Attorney)  
Brian Padgett (Sheriff/Jail)  
Dolores Sullivan (DHS)

#### **\*30 Years of Service**

Karol Kopetzky (Information Systems)

Chair Teague commended the long term employees for providing mentorship to the County's newer employees.

### **GENERAL BUSINESS AND ADMINISTRATIVE ITEMS**

#### **Consideration of Approval-CONTRACT- 2016 CNT 146–Baby Bear Hugs**

Chair Teague noted the following contracts are those utilizing TANF funds and explained the County's share of funding these TANF contracts is set at 20 percent and the County requires accountability and leverages the dollars that are being expended on these types of services and requirements for all are set and are consistent.

Morgan County Department of Human Services Director Jacque Frenier introduced Rogelio Segura, who has recently been promoted as the contract administrator for the Department of Human Services. Mr. Segura presented to the Board Contract 2016 CNT 146, a contract with Baby Bear Hugs. Mr. Segura stated this contract is to provide services to new mothers in the amount of \$12,500.00 with the term of contract July 1, 2016 through June 30, 2017. He stated this contract utilizes TANF funds and explained the contract outlines the scope of services and programs that will be offered to families.

## 2 COMMISSIONERS PROCEEDINGS

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 146 with Baby Bear Hugs in the amount of \$12,500.00 the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Contract Administrator Rogelio Segura and authorized the Chair to sign. Commissioner McCracken seconded motion and motion carried 3-0.

### **Consideration of Approval-CONTRACT- 2016 CNT 147 –Morgan County Family Center**

Morgan County Department of Human Services Contract Administrator Rogelio Segura presented to the Board Contract 2016 CNT 147, a contract with Morgan County Family Center. Mr. Segura stated this contract is to provide services in child care resources and referrals and to assist parents and children with disabilities and emergency assistance in the amount of \$95,000.00 with the term of contract July 1, 2016 through June 30, 2017. He stated this contract utilizes TANF funds. Ms. Frenier summarized the services provided by Morgan County Family Center outlining the staff structure and the different processes required for the different programs offered. Commissioner Zwetzig stated the Board has approved an increase in funding this program explaining that the Family Center provides numerous valuable services to citizens and help other service agencies as well and the numerous benefits to the community this agency provides.

Commissioner McCracken made a motion to approve Contract 2016 CNT 147 with Morgan County Family Center in the amount of \$95,000.00 the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Contract Administrator Rogelio Segura and authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

### **Consideration of Approval-CONTRACT- 2016 CNT 148 –S.A.R.A., Inc.**

Morgan County Department of Human Services Contract Administrator presented to the Board Contract 2016 CNT 148, a contract with S.A.R.A. Inc. Mr. Segura stated this contract is to provide services related to sexual abuse and assault in the amount of \$25,000.00 with the term of contract July 1, 2016 through June 30, 2017. He stated this contract utilizes TANF funds.

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 148 with S.A.R.A. Inc. in the amount of \$25,000.00 the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Contract Administrator and authorized the Chair to sign. Ms. Frenier stated this contract provides a wider scope of services than just those related to sexual abuse, with Commissioner Zwetzig stating the Board has encouraged Logan County Commissioners to support funding S.A.R.A. Inc. given the services this agency provides there. Commissioner McCracken seconded motion and motion carried 3-0.

### **Consideration of Approval-CONTRACT- 2016 CNT 149 –S.H.A.R.E., Inc**

Morgan County Department of Human Services Contract Administrator Rogelio Segura presented to the Board Contract 2016 CNT 149, a contract with S.H.A.R.E., Inc. Mr. Segura stated this contract is to provide services for victims of domestic violence in the amount of \$26,700.00 with the term of contract July 1, 2016 through June 30, 2017. He stated this contract utilizes TANF funds.

Commissioner McCracken made a motion to approve Contract 2016 CNT 149 with S.H.A.R.E., Inc. in the amount of \$26,700.00 the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Contract Administrator Rogelio Segura and authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

### **Consideration of Approval-CONTRACT- 2016 CNT 150 –A Caring Pregnancy Resource Center**

Morgan County Department of Human Services Contract Administrator Rogelio Segura presented to the Board Contract 2016 CNT 150, a contract with A Caring Pregnancy Resource Center. Mr. Segura stated this contract is to provide services and education related to preventative and pre and post natal support in the amount of \$9,000.00 with the term of contract July 1, 2016 through June 30, 2017. He stated this contract utilizes TANF funds. Commissioner Zwetzig stated that during the budget process, it was discussed that they primarily worked with the Brush School District and the Board has encouraged this agency to work throughout Morgan County in providing these types of services.

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 150 with A Caring Pregnancy Resource Center in the amount of \$9,000.00 the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Contract Administrator Rogelio Segura and authorized the Chair to sign. Commissioner McCracken seconded motion and motion carried 3-0.

### **Consideration of Approval-CONTRACT- 2016 CNT 151 –Morgan Community College**

Morgan County Department of Human Services Contract Coordinator Rogelio Segura presented to the Board Contract 2016 CNT 151, a contract with Morgan Community College. Mr. Segura stated this contract is to provide classes through the adult education program in the amount not to exceed \$15,000.00 with the term of contract July 1, 2016 through June 30, 2017. He stated this contract utilizes TANF funds.

Commissioner McCracken made a motion to approve Contract 2016 CNT 151 with Morgan Community College in the amount not to exceed \$15,000.00 the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Contract Administrator Rogelio Segura and authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

# COMMISSIONERS PROCEEDINGS 3

## **Consideration of Approval-CONTRACT- 2016 CNT 152 –Morgan Community College**

Morgan County Department of Human Services Contract Administrator Rogelio Segura presented to the Board Contract 2016 CNT 152, a contract with Morgan Community College. Mr. Segura stated this contract is to provide classes through the adult education program in the amount not to exceed \$6,000.00 with the term of contract July 1, 2016 through June 30, 2017. He stated this contract utilizes Employment First funds and explained this clientele are food stamp recipients with no minor children in the home; they are able bodies who have different rules in receiving food stamp benefits by following a certain formula and are required to work towards receiving them. These clients are also required to seek educational training before they are allowed to receive the food stamp benefits. They do monitor these individuals who work and can provide statistical information as to the benefit of this program.

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 152 with Morgan Community College in the amount not to exceed \$6,000.00 the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Contract Administrator Rogelio Segura and authorized the Chair to sign. Commissioner McCracken seconded motion and motion carried 3-0.

## **Consideration of Approval-CONTRACT- 2016 CNT 153 –Alida Fisher, LCSW**

Morgan County Department of Human Services Director Jacque Frenier presented to the Board Contract 2016 CNT 153, a contract with Alida Fisher, LCSW. Ms. Frenier stated this contract is to provide therapy in the amount not to exceed \$12,000.00 with the term of contract June 1, 2016 through May 31, 2017. She stated this contract utilizes CORE funding.

Commissioner McCracken made a motion to approve Contract 2016 CNT 153 with Alida Fischer, LCSW in the amount not to exceed \$12,000.00 the term of the contract being from June 1, 2016 through May 31, 2017 as outlined by Morgan County Department of Human Services Director Jacque Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

## **Consideration of Approval-CONTRACT- 2016 CNT 154 –Center for Healing Trauma and Attachment, Inc.**

Morgan County Department of Human Services Director Jacque Frenier presented to the Board Contract 2016 CNT 154, a contract with Center for Healing Trauma and Attachment, Inc. Ms. Frenier stated this contract is to provide mental health services in the amount not to exceed \$30,000.00 with the term of contract June 1, 2016 through May 31, 2017. She stated this contract utilizes mainly CORE funding with some child welfare funds. Ms. Frenier summarized the services that will be provided to those who have experienced major trauma or have attachment issues and further outlined the staff structure and the services that will be provided.

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 154 with Center for Healing Trauma and Attachment, Inc in the amount not to exceed \$30,000.00 the term of the contract being from June 1, 2016 through May 31, 2017 as outlined by Morgan County Department of Human Services Director Jacque Frenier and authorized the Chair to sign. Commissioner McCracken seconded motion and motion carried 3-0.

## **Consideration of Approval-CONTRACT- 2016 CNT 155 –Pat Chase**

Morgan County Department of Human Services Director Jacque Frenier presented to the Board Contract 2016 CNT 155, a contract with Pat Chase. Ms. Frenier stated this contract is for a kinship studies consultant in the amount not to exceed \$10,000.00 with the term of contract July 1, 2016 through June 30, 2017. She stated this contract utilizes Child Welfare Funds. Ms. Frenier stated that Ms. Chase has been certified to complete the home studies for kinship providers and stated that the State of Colorado requires these studies to be completed. Kinship has a broader definition including someone who has had a relationship with the child prior to that child coming into the home, they are allowed to serve as a kinship provider and this allows for this child to be placed out of the parent's home into a home where the child is familiar with the family placement.

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 155 with Pat Chase in the amount not to exceed \$10,000.00 the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Director Jacque Frenier and authorized the Chair to sign. Commissioner Zwetzig commented the County hears a lot of complaints about not always making good decisions about where children are to be placed, but feels that good decisions and good efforts are being made by staff in ensuring the child is being provided the best care possible. Commissioner McCracken seconded motion and motion carried 3-0.

## **Consideration of Approval-CONTRACT- 2016 CNT 157 –Wiggins Preschool/ChildCare Center**

Morgan County Department of Human Services Contract Administrator Rogelio Segura presented to the Board Contract 2016 CNT 157, a contract with Wiggins Preschool/ChildCare Center. Mr. Segura stated this contract is to assist with summer preschool in the amount of \$9,500.00 with the term of contract July 3, 2016 through August 2, 2016. He stated this contract utilizes TANF funds.

Commissioner McCracken made a motion to approve Contract 2016 CNT 157 with Wiggins Preschool/ChildCare Center in the amount of \$9,500.00 the term of the contract being from July 3, 2016 through August 2, 2016 as outlined by Morgan County Department of Human Services Contract Administrator Rogelio Segura and authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

# 4 COMMISSIONERS PROCEEDINGS

## **Consideration of Approval-CONTRACT- 2016 CNT 158 –Goodwill Industries of Denver**

Morgan County Department of Human Services Contract Administrator Rogelio Segura presented to the Board Contract 2016 CNT 158, a contract with Goodwill Industries of Denver. Mr. Segura stated this contract is to provide life skills and career development in the amount of \$48,000.00 which is \$4,000.00 per month with the term of contract July 1, 2016 through June 30, 2017. He stated this contract utilizes TANF funds.

Commissioner Zwetzig made a motion to approve Contract 2016 CNT 158 with Goodwill Industries of Denver in the amount of \$48,000.00 which is \$4,000.00 per month the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Contract Administrator and authorized the Chair to sign. Commissioner McCracken seconded motion and motion carried 3-0.

## **Consideration of Approval-CONTRACT- 2016 CNT 159 –Centennial Mental Health Center, Inc.**

Morgan County Department of Human Services Director Jacque Frenier presented to the Board Contract 2016 CNT 159, a contract with Centennial Mental Health Center, Inc. Ms. Frenier stated this contract is to provide an IOG Coordinator and FACT Facilitator, also to provide interpretation and translation services in the amount not to exceed \$78,214.00 and not to exceed \$2,500.00 per month with the term of contract July 1, 2016 through June 30, 2017. She stated this contract utilizes Morgan County Interagency Oversight funds, explaining these funds come through the State of Colorado and the department subcontracts through Centennial Mental Health Center to cover the costs of the coordinator. She further explained the goals of the program that are set forth and stated that the department did meet the required goals last year.

Commissioner McCracken made a motion to approve Contract 2016 CNT 159 with Centennial Mental Health Center, Inc. in the amount of not to exceed \$78,214.00 and not to exceed \$2,500.00 per month for the term of the contract being from July 1, 2016 through June 30, 2017 as outlined by Morgan County Department of Human Services Director Jacque Frenier and authorized the Chair to sign. Commissioner Zwetzig seconded motion and motion carried 3-0.

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

Commissioners reviewed the calendar dated August 5, 2016, through August 16, 2016 with changes.

## **UNFINISHED BUSINESS**

Commissioner Zwetzig asked to move the following items back on the table, stating this would allow for public comment:

**Consideration of Approval – RESOLUTION - 2016 BCC 019 – Declaring County Road 1 South of I-76 As A Public Highway**

**Consideration of Approval – EASEMENT- Road Way And Utility Easement Agreement, Vicki R. Hoecher & Lori D. Morales**

**Consideration of Approval – EASEMENT- Road Way And Utility Easement Agreement, Earl S. Williams & Shirley A. Williams**

**Consideration of Approval – RESOLUTION - 2016 BCC 020 – Approving The Vacation Of A Portion of Morgan County Road 1 Within Morgan County, Colorado**

**Consideration of Approval – RESOLUTION - 2016 BCC 21 – Declaring County Road 1 South of I-76 As A Public Highway**

At this time Chair Teague named the first business item and asked citizen, Chuck Miller to approach the podium. Mr. Miller stated his address as being 26060 MCR S, Brush, CO and further indicated he did not feel there needed to be any further discussion at this time as the process has been completed and the only thing left is for Mrs. Williams to sign what is necessary. Mr. Miller asked the Board to consider approval of items one and two, but requested that the attachments be reviewed regarding item 2 as he had not been given the opportunity to review the packet in its entirety. He further stated, as for item number 3, 4 and 5, he asked that Mrs. Williams be contacted and this matter be tabled until the necessary action can be taken, and then it be brought back on the table for approval of the resolution at that time. He stated that by taking action on the first two items this morning would finalize insurable access to landowners.

Commissioner Zwetzig stated that the attachment was sent to Mr. Miller and asked if Mr. Miller would review the entire packet in its entirety at which time Mr. Miller did in fact review.

Chair Teague stated one comment from the road and bridge department was made as to the roadway in question, and the fact that it does not only meet Mrs. Williams needs, but the County's needs to ensure a simpler, easier manner in regards to road maintenance and other discussion followed as to what infrastructure there is in the roadway area.

After review of the packet, Mr. Miller indicated he did not believe the correct attachments were attached appropriately with further discussion between the parties and the Board. Discussion ensued between Mr. Miller and the Board in an attempt to retrieve the appropriate documents that suffice the easement packet and the fact that the information must be present to vacate and then adopt the proper roadway. Mr. Miller asked that the Board table

# COMMISSIONERS PROCEEDINGS 5

item number two and to act on item number one stating he feels that it is time to move forward and allow the Hoecher girls to be able to move on with their business.

At this time, Chair Teague asked what the Board's pleasure is on item number 1, with Commissioner Zwetzig stating he would consider approval on item number 2, if the correct attachments were present and spoke about item number one, indicating he does not feel comfortable in approving item number 1 given it could allow for a civil matter possibly being brought forward against Morgan County, Commissioner Zwetzig moved to table items 1-5 until August 16, 2016 until the Board has proper documentation, with Commissioner McCracken seconding the motion at this time.

Mr. Miller spoke at the time of discussion stating that he does not believe they are putting the County in jeopardy and that the only thing waiting on is a signature, and stated this matter has been argued, and massaged going on a year now, and the only thing that is lacking is Mrs. Williams signature and some document discrepancy on items number 2 and 3. He further stated that due to the fact the County does not have legal counsel in appearance today the board is not able to hear a legal opinion. Mr. Miller feels the best action is to approve the way the road exists now and to table the other items to allow this matter to move forward.

At this time, motion passed 3-0 to table all items until a later date, August 16, 2016 at 9:00 a.m. Discussion followed with Mr. Miller stating he will not be able to appear on August 16, 2016 and the final decision was made to see if the documents can be retrieved and presented properly with the correct attachments and allow Mr. Miller the opportunity to review the documents before they are acted upon and the Board would act upon the matters upon his review.

## CITIZEN'S COMMENT

There was no citizen's comment.

## PUBLIC HEARING

**Application for a Conditional Use Permit to place a new church building on the property they own located in the SE1/4 of Section 2, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 22750 Hwy 34, generally located on Hwy 34, East of Country Road 22.5 on a 62 acre parcel of vacant farmland they own. There is an exempted parcel in the northwest corner of the property, and this parcel and home is owned by the pastor of the Platte Valley Baptist Church.**

The hearing was called to order by Chair Teague at 9:59 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 with Chair Laura Teague absent. Also present were John Crosthwait, Planning Administrator and Platte Valley Baptist Church, the applicants.

**APPLICANT: Platte Valley Baptist Church**  
**LANDOWNERS: Platte Valley Baptist Church**

Chair Teague asked Morgan County Planning Administrator John Crosthwait to present the file and invited the applicants to the front. Mr. Crosthwait presented the file noting the applicants have submitted an application for Conditional Use Permit to place a new church building on the property they own located in the SE1/4 of Section 2, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 22750 Hwy 34, generally located on Hwy 34, East of Country Road 22.5 on a 62 acre parcel of vacant farmland they own. There is an exempted parcel in the northwest corner of the property, and this parcel and home is owned by the pastor of the Platte Valley Baptist Church.

Planning Administrator John Crosthwait presented the file stating this is an application for Conditional Use Permit to place a new church building on the property they own located in the SE1/4 of Section 2, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 22750 Hwy 34, generally located on Hwy 34, East of Country Road 22.5 on a 62 acre parcel of vacant farmland they own. There is an exempted parcel in the northwest corner of the property, and this parcel and home is owned by the pastor of the Platte Valley Baptist Church.

The applicant is requesting to build a new church building for their congregation located on the 62 acre parcel. Presently, the Platte Valley congregation worships in the church building they own located at 708 Warner Street, Fort Morgan, Colorado. Their present location and structure is too small for required parking as seating capacity, so they desire to relocate. Because of the approximate 8000 square foot size of the proposed building, the required drainage study has been complete, and is part of this file.

The parcel is served by a purchased Morgan County Quality Water Tap #2895, and the file contains a will serve letter from the Northeast Colorado Health Department. The file also contains an access permit from the Colorado Department of Transportation. Soils are listed as somewhat limited; soil testing is advised prior to construction. Mr. Crosthwait stated he has also had conversation with the City of Fort Morgan who will be providing the electric and gas services to this parcel, and upon speaking with Brad Curtis, City Engineer, there is no opposition to this application.

All appropriate fees, notices and publication requirements have been met. Property is zoned "A" Agriculture. A portion of the property is located in the floodplain of the Badger Creek; however the new church building will not be built on this area.

# 6 COMMISSIONERS PROCEEDINGS

Mr. Crosthwait recommended approval of the Conditional Use Permit for the Platte Valley Baptist Church.

At this time Platte Valley Baptist Church, applicant, Shannon Munday, address of 22522 Highway 34, Fort Morgan, Colorado, stated he was the pastor of the church and he had no further comment at this time.

Chair Teague opened the matter for public comment in which there was no public comment.

At this time, Chair Teague moved to discussion and decision. Commissioner Zwetzig asked about the access into the property with Mr. Munday stating they have CDOT approval for access into the property, explaining the Department of Transportation has provided their own access, and will have one access from Highway 34. This will not cross any county roads and turning lanes will not be required was confirmed by the applicant. Commissioner Zwetzig asked about the approved drainage study if it is adequate, with Mr. Crosthwait stating an approved drainage study has been completed as required by the Morgan County Planning Department and it includes the historical drainage data. Mr. Munday stated they plan on placing the retention pond where the engineer recommended on the northeast corner. Mr. Crosthwait further explained the resolution does include the building will be constructed in accordance with the current Morgan County building requirements so that will require compliance with the County. Discussion followed as to the reason for the location within the county proximity with Mr. Munday stating it was difficult to find the necessary sized property in town.

A motion was then made by Commissioner McCracken to approve Resolution 2016 BCC 022 Granting a Conditional Use Permit to place a new church building on the property they own located in the SE1/4 of Section 2, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 22750 Hwy 34, generally located on Hwy 34, East of Country Road 22.5 on a 62 acre parcel of vacant farmland they own. There is an exempted parcel in the northwest corner of the property, and this parcel and home is owned by the pastor of the Platte Valley Baptist Church. Commissioner Zwetzig seconded the motion and motion carried 3-0.

## **RESOLUTION 2016 BCC 022**

### **A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A NEW CHURCH BUILDING LOCATED IN THE SE1/4 OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO**

**WHEREAS**, on August 9, 2016 the Board of County Commissioners held a public hearing pursuant to the Morgan County Zoning Regulations on the application of Platte Valley Baptist Church as applicant and landowner for a Conditional Use Permit to establish a new Church building for their congregation. The parcel is located in the SE1/4 of Section 2, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. 80701, generally located south of State highway 34 and east of Morgan County Road 22.5, and

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

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

**WHEREAS**, the Board of County Commissioners received testimony and comments from the public, and,

**WHEREAS**, the Board of County Commissioners received testimony and comments from the Morgan County Planning Administrator who recommend approval of the application, and

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

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

#### **1. APPROVAL:**

The application of Platte Valley Baptist Church as applicant and landowner for a Conditional Use Permit to establish a new church building for their congregation located in the SE1/4 of Section 2, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M. Morgan County, Colorado 80701 is hereby granted.

#### **2. FINDING OF FACT:**

- a. The use and its location proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:
  - i. The proposed use is compatible with the existing land uses and there is access to established public infrastructure.
  - ii. 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 to be arranged on the site.

# COMMISSIONERS PROCEEDINGS 7

- c. The Conditional Use has been made compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography.
- d. The Conditional Use poses no or minimal risk to the public health, safety and welfare.
- e. The Conditional Use proposed is not to be developed on a nonconforming parcel of land. That parcel being zoned "A" Agriculture.

### 3. CONDITIONS:

- a. The church structure shall be constructed in accordance with the applicable building standards, and code as adopted by the Morgan County Planning and Zoning Department.
- b. The storm water drainage plan as prepared by a licensed and qualified Engineer shall be specifically followed.
- c. The church structure shall not be built within the established floodplain of the Badger Creek.
- d. Access to the property has been granted by the Colorado Department of Transportation. The design standards of this access shall be specifically followed.
- e. It is in the best interest of the public health, safety and welfare to grant this permit.
- f. The interior road construction and continued maintenance shall be the responsibility of the landowners and not that of Morgan County.
- g. Any past, existing, or future drainage problems with this property are the responsibility of the landowner and not that of that of Morgan County.
- h. This permit is specifically conditioned on all information presented in the application being followed. All information contained in this 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 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 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 or 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 applicants or their successors in interest and public hearing.
- c. The applicants are required, as a condition of this permit, to furnish any purchaser or any successor in interest to this property with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96BCC41 on July 23, 1996, and the Receipt and Statement of Understanding of Said Policy. The Policy and Receipt of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchasers or other successors.

**DATED** this 9<sup>th</sup> day August, 2016.

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

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

\_\_\_\_\_  
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

**Application for one lot Minor Subdivision of 15 acres located in the S1/2 of NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 County Road 16.**

**APPLICANT: Plains Realty (Don Neb)**  
**LANDOWNERS: Ronald M. and Gayle F. Greene**

# 8 COMMISSIONERS PROCEEDINGS

Chair Teague asked Morgan County Planning Administrator John Crosthwait to present the file and invited the applicants to the front noting Mr. Don Neb with Plains Realty present as the applicant representing the landowners, Ronald M. and Gayle F. Greene. Mr. Crosthwait presented the file noting the applicants have submitted an application for one lot Minor Subdivision of 15 acres located in the S1/2 of NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 County Road 16.

Planning Administrator John Crosthwait presented an application for one lot Minor Subdivision of 15 acres located in the S1/2 of NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 County Road 16. Application for a one lot Minor Subdivision of 15 acres located in the S1/2 of NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 Morgan County Road 16.

The applicant and landowner are proposing to sell this 15 acre lot to Pinnacle Agriculture Distribution, Inc. dba Performance Agriculture. Performance Agriculture is proposing to construct facilities for the sale and distribution of seed, fertilizer, and farm chemicals to the agriculture community. The proposed parcel is presently vacant. There is an existing Exempted parcel containing a personal residence to the North, as well as a small one lot minor subdivision parcel containing a cellular communications tower to the north of the parcel. Morgan Irrigation canal also borders the proposed parcel to the north.

The proposed parcel is served by a purchased Morgan County Quality Water District Tap, and a will serve letter from the Northeast Colorado Health Department. Access to the proposed parcel has been approved by the Morgan County Road and Bridge Department from Morgan County Road 16.

Soils are listed as not limited. Property is located within the Fort Morgan Rural Fire District. All appropriate fees, notices and publication requirements have been met. Property is Zoned "C" Commercial. Property is not located within the floodplain. A Special Use Permit will be required for the construction and operation of a seed, fertilizer and farm chemical facility.

Mr. Crosthwait recommended approval of this application.

At this time applicant, Don Neb, with Plains Realty, 615 East Platte Avenue, Fort Morgan, stated he had nothing further to comment.

Commissioner Zwetzig asked when this was zoned as commercial with Mr. Crosthwait stating he believed in 2008. Commissioner Zwetzig asked if there was discussion at that time about the zoning being changed to commercial, with Mr. Crosthwait stating he believes it was done through the Planning Commission and brought forward to the Board of County Commissioners, and believes it was requested by the Greene's and a countywide rezoning took place.

Ron Greene, landowner, 16277 Highway 144, Fort Morgan, stated that in 2008, he acquired the property given there was a proposed prison facility and at that time, it was brought forward by the County for their future comprehensive plan to rezone this area as commercial and does not believe there were any comments and recalled it was completed through the public hearing process.

Chair Teague opened the matter for public comment in which time there was public comment. Phillip Pascoe, address being 18527 County Road 16, Fort Morgan, spoke stating that the generalized feeling from those involved is that this is a done deal and feels it has already been decided upon and has concerns about the County moving forward with this project given it being an industrial park being right next door to a residential area. He expressed concerns about children in strollers, decreasing property values and cannot imagine why the County would move forward with this and expressed deep concerns for the safety of his community, and strongly opposes this matter. He stated there was a petition that was passed around and signed by several property owners. Chair Teague clarified that at this time, the Board is acting on the exemption with Mr. Pascoe stating he understands that and if the exemption should be denied, the project could not move forward.

Commissioner Zwetzig asked if the exemption would be approved and the facility would not be approved, what would that result in as well as if the parcel is created with Mr. Crosthwait stating yes, it is, with the question to the applicant if that is approved, with the applicant stating yes, they will have a 15 acre parcel and it is understood.

Further comment was made by Mr. Pascoe stating that this 15 acre lot would be the beginning of an industrial park, with further discussion following that the County's regulations allow for use by right in a commercial zone. Mr. Pascoe believes the intent is connected to this one lot minor subdivision.

At this time, Chair Teague moved to discussion and decision. Commissioner Zwetzig asked about access being off of County Road 16, and the fact that it is specified, with discussion that it is not specifically stated. Mr. Crosthwait stated it is specific to the location it is currently at. Chair Teague summarized the information in the packet stating she believes it is pretty specific as to where it can be located and the drainage requirements. Chair Teague read aloud the information stating that if at a later future date, it does indicate that landowner will assume all costs for any culvert that may be required in the future to meet drainage requirements, and can be up to 80 feet.



# COMMISSIONERS PROCEEDINGS 9

Discussion followed with Mr. Greene stating it is a historical driveway and the location has been in place for years, stating the driveway will be where it is located and up to 40 feet wide. Discussion ensued regarding the title of the mapping, with a corrected plat map provided by Planning Administrator John Crosthwait. Commissioner Zwetzig stated the map is designated as the Performance Ag Minor Subdivision was then reviewed by the Board and asked that the driveway access be identified on this map, with Mr. Crosthwait stating he will be sure it is designated.

Commissioner Zwetzig asked about the planning commission process with Mr. Crosthwait stated the Morgan County Planning Commission unanimously approved this minor lot subdivision. Commissioner Zwetzig asked about the fact a conditional use would be required if someone would want to build a residential home, and Mr. Crosthwait stated that in a commercial zoning, use by right does not meet the criteria and they would be required to file for a conditional use permit.

A motion was then made by Commissioner Zwetzig to approve Resolution 2016 BCC 23 Granting for a one lot Minor Subdivision of 15 acres located in the S1/2 of NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 County Road 16. Chair Teague noted that there will be a correction made to the plat to designate the location of the driveway and it was clarified that the building of a residential home is a conditional use and not a use by right. Commissioner McCracken seconded the motion and motion carried 3-0.

## **RESOLUTION 2016 BCC 023**

### **A RESOLUTION APPROVING A ONE LOT MINOR SUBDIVISION LOCATED IN THE S1/2 NW1/4 OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 58 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO**

**WHEREAS**, on August 9, 2016 the Board of County Commissioners of Morgan County, Colorado held a public hearing pursuant to the Morgan County Zoning and Subdivision Regulations on the application of Plains Realty (Don Neb) as applicant and Ronald M. Greene and Gayle F. Greene as landowners for a one lot Minor Subdivision of 15 acres located in the S1/2NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 18626 Morgan County Road 16, Fort Morgan, Colorado 80701, and

**WHEREAS**, notice of the public hearing was properly published and all other notice and posing requirements were properly made, and

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

**WHEREAS**, the Board of County Commissioners received testimony from the public, and

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

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

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

1. The application of Plains Realty (Don Neb) as applicant and Ronald M. Greene and Gayle F. Greene as landowners for a one lot Minor Subdivision of 15 acres located in the S1/2NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 18626 Morgan County Road 16, Fort Morgan Colorado 80701 is hereby granted.
2. The permit is in conformance with the Morgan County Comprehensive Plan, being zoned Commercial (C).
3. All applicable design standards have been met. The County Commissioners retain continuing jurisdiction on the issue of design standards.
4. All on and off site impacts have been satisfactorily mitigated by the terms and conditions of this permit.
5. The minor subdivision is satisfactorily compatible with surrounding uses.
6. It is in the best interest of the public health, safety and welfare to grant the application.
7. There is a public need for the project.
8. All past, present and future drainage problems on this site are the responsibility of the landowner and their successors in interest and not that of Morgan County.
9. All interior road construction and maintenance are the responsibility of the landowner or their successors in interest and not that of Morgan County.

# 10 COMMISSIONERS PROCEEDINGS

10. The applicants are required, as a condition of this permit, to furnish any purchaser or other successors in interest with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96BCC41 on July 23, 1996, and the Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchasers or other successors.
11. All information submitted by the applicant in this application is part of the approval of this application.
12. The Board of County Commissioners retains continuing jurisdiction on this permit. The County also retains jurisdiction and the right and authority of County personnel to inspect the site at any reasonable time.
13. The applicant shall be responsible for complying with all the foregoing requirements and conditions. Noncompliance with any of the foregoing 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 hearing.

**DATED** this 9<sup>th</sup> day of August, 2016

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

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

\_\_\_\_\_  
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

**Application for a Special Use Permit to place and operate a retail seed, fertilizer and farm chemical facility located in the S1/2NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 Morgan County Road 16, Fort Morgan, Colorado.**

**APPLICANT: Pinnacle Agriculture LLC dba Performance Agriculture  
LANDOWNERS: Ronald M. Green and Gayle F. Greene**

Chair Teague asked Morgan County Planning Administrator John Crosthwait to present the file and invited the applicants to the front. Mr. Crosthwait presented the file noting the applicants have submitted an application for a Special Use Permit to place and operate a retail seed, fertilizer and farm chemical facility located in the S1/2NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 Morgan County Road 16, Fort Morgan, Colorado.

Planning Administrator John Crosthwait read aloud an application for a Special Use Permit to place and operate a retail seed, fertilizer and farm chemical facility located in the S1/2NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 Morgan County Road 16, Fort Morgan, Colorado. Pinnacle Agriculture is planning to construct and operate the proposed seed, fertilizer and farm chemical facility on the 15 acre parcel of land consisting of an 80' x 200 foot warehouse, 25' x 80' tank farm, 1,000,000 gallon fertilizer tank, 72' x 106' bulk warehouse, 80' x 30' office with a parking area. The warehouses, fertilizer tank all have load in and load out areas. There are also proposed seed treater facilities as well as a 60' x 120' future warehouse. All the structures are indicated as to placement on the site plan provided in the file. The site plan also indicated traffic flow direction as well as a detailed drainage plan to accommodate storm water drainage for the site to an engineered containment basin located to the north of the facility, and is engineered to accommodate a 100 year storm frequency.

Access as indicated on the Site Plan to the proposed facility from asphalt paved County Road 16 has been approved by the Morgan County Road and Bridge Department. This facility is a seasonally operated facility, and traffic to and from the facility will be limited to most active times in the spring and fall. Property is located within the Fort Morgan Rural Fire District. Impact letters from Fire, School, and Sheriff are contained in the file. Morgan Ditch and Reservoir Company have appeared in the office to review the file, but he has not received an impact statement from them as of yet but will have a statement in the file. The file contains a detailed Geotechnical Investigative Report prepared by a licensed engineer, and contains soils analysis as well as structural concrete requirements. Although Mr. Crosthwait did not notice any spill containment structures for the liquid fertilizer storage tanks in the file, he did note that the fertilizer and chemical industry is a highly regulated industry, and these containment structures shall contain such spill prevention and containment as required by the state and federal regulatory agencies.

One Morgan County Quality Water District Tap has been purchased as required for the Minor Subdivision, and the applicant has arranged to purchase at least nine additional water taps, and has the completed engineering study to accommodate the water requirement. The file also contains a will serve letter from the Northeast Colorado Health

# COMMISSIONERS PROCEEDINGS 11

Department for the engineered onsite wastewater treatment system. Performance Agriculture expects to employ 20 individuals for the operation of the facility.

Pinnacle Agriculture Holdings LLC, dba Performance Agriculture is a Memphis, Tennessee based company owning numerous similar facilities, and has indicated that it has the financial resources to complete the project.

All fees, notifications and publications have been complete. Taxes are current; property is not located in the floodplain. At this time Mr. Crosthwait recommended approval conditioned on Pinnacle Agriculture obtaining and compliance with all applicable State and Federal permit requirements for product containment, safety, transportation and distribution. Mr. Crosthwait further stated information has been filed and received of compliance.

At this time Pinnacle Agriculture LLC dba performance Agriculture, representative Tim Carpenter, address being 17262 County Road V, Fort Morgan, Colorado and John Priggee, address being 5706 Aksunten Drive, Windsor, CO stated they had nothing further to add to the application being presented today.

Commissioner Zwetzg asked where they are currently operating with Mr. Carpenter stating they are currently operating in Fort Morgan out of the Jensen Onion Business located on Riverview Avenue, and Commissioner Zwetzg asked if they were required to obtain any special permits. Mr. Crosthwait stated the location they are currently operating out of does not require these special permits, given where it is located. Chair Teague asked the applicants to discuss the presence of explosive materials, and those materials that individuals are concerned about, with Mr. Carpenter stating they do not utilize any materials that are explosive at this time and as a company policy they do not handle any types of explosive materials, such as ammonia nitrate.

Mr. Priggee stated they will not be manufacturing product, they will be bringing in the materials, storing them and only reselling the product. They will handle some bulk product but will not be manufacturing anything. Commissioner Zwetzg asked Mr. Crosthwait to explain the difference between what they are doing now and what they are proposing to do, with Mr. Priggee stating at the current time they do not engage in bulk storage but in the new facility, they would be looking at bulk storage. Discussion followed as if manufacturing would be allowed in a commercial use zone, with the permit being requested is not for manufacturing, only bulk storage. Mr. Crosthwait stated there is nothing specified or any allowance for manufacturing. Commissioner Zwetzg asked about the definition of commercial fertilizer is versus the definition of farm use materials with Mr. Crosthwait not able to reply. Commissioner Zwetzg asked if someone regulates commercial fertilizers with Mr. Carpenter stating that the EPA, or other federal agencies having regulations in place.

Mr. Carpenter stated he would be able to provide farm chemicals that are allowed by the EPA for farm use, such as roundup, 2-4D, explaining there are approximately 200 active ingredients approved by the EPA that can be used at this time. Mr. Carpenter stated his definition of farm use fertilizer would be for those individuals using it for producing a product for resale providing the examples of corn and wheat. Mr. Priggee stated that in their industry, there are ornamental, golf courses, and farm use. He explained the differences in golf course management, farm chemistry, and the fact that farm chemistry is a product of crop production. He stated many of the products they sell, are those that are allowed to be sold in the farm implement business, and the fact that they are regulated, and the reason for being certified, they need to be sure of how it is being used and what it entails.

Chair Teague asked Mr. Carpenter how this facility will be different from the location they are currently in, namely the amount of traffic going in and out of the facility at the proposed location. Mr. Carpenter stated he would not want to specifically see trucks in and out of the facility on a daily basis, and that on a "high day", possibly 15 trucks. He further explained that his staff are certified and licensed in hazmat, CDL, etc. The holding tank will be built on site and the Colorado Department of Ag will be the one responsible for inspection of this tank. Further discussion followed as to capacity and requirements.

Commissioner Zwetzg stated that in approving a permit for a dairy, the Board considers road impact and given this is a special use permit, is the Board not considering road impact, sharing his feelings that the Board should look into developing a consistent requirement that all are required to follow. Discussion followed that given this location roadway is a paved road, that the impact may be less to both the county road system as well as the property owners versus the typical dirt road.

Discussion followed as to if the Department of Transportation requiring a turn lane with Mr. Carpenter stating that it was not required and the proposed location will be similar. Mr. Crosthwait stated he did review the traffic thresholds, and the fact that once you hit the 200 truck load limit, that will require paving of the road and possible turn lanes, and with this facility, he did not believe it required any further requirements.

Chair Teague opened the matter for public comment in which there was public comment.

Ann Pascoe, 18527 County Road 16, her and her husband and her are against this permit and explained the reasons why. She stated the main reason as being the safety of their community on County Road 16, and provided the Board with a packet of information outlining why she is not in favor of this proposed permit. She spoke mainly in regards to the dangers and safety to the surrounding neighborhood. She asked why the Board does not look at having it placed in the industrial park rather than in an area so close to a residential area. She stated the owners of the agriculture land are her neighbors also, and with the last question, would you want your children, your grandchildren, to have to live in an area where this type of facility is placed? Ms. Pascoe read aloud the information from the packet she provided the Board.

Ms. Pascoe added that there are children who run around and play in this area, what if a child climbs a fence into the area, would they get hurt, and she asked this question directly of the applicant, with no reply.

# 12 COMMISSIONERS PROCEEDINGS

Commissioner McCracken asked what is to stop a child from hiding in the cornfield, and the fact this will be open and we are in an agricultural community as that is what sustains Morgan County and the State of Colorado. Ms. Pascoe stated there are several community members who share her concern and wished they could have appeared here today. She also stated that there was a gentleman who asked them to sign a petition regarding this application and she stated they have not received any information regarding this matter and this hearing, and would have appeared if they had known about it. She spoke of a retail fertilizer plan which exploded in the State of Texas and the loss of lives there.

Mr. Crosthwait was asked how the process was handled as to notification of the special use hearing, all landowners within a 1320 foot distance from the proposed site were notified, all referral agencies, including the DOW, Xcel Energy, CIG, and other numbers referral agencies. He stated the most important was the notification the neighbors received, and believes what she was speaking about was the rezoning of this property in the past and Mr. Crosthwait stated that he could go back and review how the notification was made in the past. Chair Teague stated that is not the County's job to go back and question what occurred in the past. Mr. Crosthwait stated all appropriate notices and all legal requirements have been met and posting has been complied with.

Kate Barber, address being 15931 Echo Road, Fort Morgan, stated she has lived on her property since the late 1960's. She stated that the EPA should help protect citizens and the government as well. She further stated there used to be a roadway adjacent to the interstate stating the gates are still in place. She stated that good visionary process they had started going onto the interstate midway.

She then brought up fracking and the rule of not being able to do this within 5000 feet of domestic wells, but in speaking with the Health Department here, they were not able to provide the information as to a chemical plant, and if the footage would be compared to fracking, but indicated there are wells within that area and she suggested the Board determine what this footage requirement is. Chair Teague asked if Ms. Barber is certain on the footage requirements, with Ms. Barber stating she may be mistaken, as Chair Teague believed 500 feet is the requirement.

Ms. Barber stated she is also concerned about the safety of the children in the area, and the fact there are numerous day care providers in this area, and the school buses that deliver and pick up children daily. She asked the Board to please consider their feelings for their welfare. She also spoke about the older couples living in this location that are retired, and they do not want to hear all the noise including trucks in and out of this plant. She spoke of one person who has major heart issues, and her husband who has COPD, which is a breathing problem, and is concerned about the smell that will come from this business.

Chair Teague asked about the requirements for a storage facility in regards to the setbacks from a domestic well, with Commissioner McCracken stating he believes it is 150 feet. Mr. Carpenter stated they will not be drilling a well for their water service, and anything that has any potential of causing any problems, they have containment measures in place, sump pumps within the warehouse and other measures in place that will hold these requirements in place.

Barbara Greenwood, address being 18533 County Road 16, Fort Morgan, Colorado stated she has concerns about lighting issues, and stated who wants to look across the roadway and see this huge tank from their view, the dust and poor air quality. She spoke about Mr. Greene taking a manure spreader and can still smell the odor from whatever was spread on this land, and it makes people sick to their stomachs. She spoke about the traffic and the fact the roadway is not patrolled, and people travel 60-80 miles an hour down this roadway. She stated by allowing this facility, it will create a concern and an issue to quality of life.

Ron Greene, property owner, address being 16277 Highway 144, Fort Morgan, Colorado, stated he is in favor of this application, and reported that he deals with hazmat and chemicals daily. He stated that in researching this company, their reputation is one of the best, and feels they will be careful in their operations. He further spoke regarding the concerns about the safety for kids, stating he believes that kids should be watched closely and they should not be allowed to be on site of this facility stating there are other areas that are of concern, like the local ditch in the neighborhood. He also indicated that he lives within this neighborhood and he does not want to see anything bring property values down, as he owns a lot of property in the area, and would not want to see a decrease in his property values.

Mr. Greene further commented that he feels Mr. Carpenter's experience speaks for itself feeling this will be a better option than the prison facility that was proposed several years ago. Mr. Greene stated he purchased this property in question to avoid having the 4000 bed prison being built there which he feels would be worse. He also stated he believes this facility will allow for good quality jobs for Morgan County, and as far as the comments regarding this facility be located in the current industrial park, he stated there is not ample room available. He also confirmed that the 150 foot rule is correct for domestic wells.

Mr. Pascoe again approached the podium, stating there is a conflicting statement being made, as this does appear to be the beginning of an industrial park, he stated they do not want one there and beseeched the Board to not approve the application or at least table the matter and look into the neighbor's concerns more in depth. He stated he feels there has to be other suitable areas that would be safer and not have the potential for disaster. He stated there are other plants that are safe, and have not exploded, but you cannot raise the dead and have them speak. He spoke about the legal ramifications, and provided a document to the board which was named "Liability". He further stated the business has bypassed the concerns of the neighborhood, and stated there are many other people that would have attended today's hearing that could not be here due to being employed. He further stated this is not right to put in "our front yard" and have all these issues, "safety, air quality, breathing," all work together and find a better area and secure their quality of life.

At this time, the public comment period was closed.

# COMMISSIONERS PROCEEDINGS 13

Chair Teague then moved to discussion and decision. Commissioner Zwetzig asked the applicant to further speak in regards to the lighting concerns. Mr. Carpenter stated they do not work much before sun up or after sun down, the extent of the lighting would be for the shop area only. John Priggee stated they do have a layout of the facility and pointed out where the one million gallon tank would be located. He clarified that it would be located at the farthest point from the County Road 16 location. Chair Teague stated she visited the local company, CPS, watching how it functioned. She further stated that the facility the applicant is proposing is similar to what agriculture/farmers would do in these days with the applicant agreeing. Commissioner Zwetzig stated that there could be possible lighting that would shine towards County Road 16, and stated as an adjoining landowner, he would like to know what the lighting would be and understands the comments being made today that they are not a 24 hour business, but the assurance they would not be placing larger stadium lighting, would be important. Mr. Priggee stated they would certainly honor that request and not allow for stadium type lighting and would respect the landowners in the area. Chair Teague stated that a retail facility, which is a use by right in this zone, could have higher impacts such as the concerns stated today, paved parking, parking lot lighting, etc., and she believes that impacts made by commercial uses by right in this zone should be considered comparatively to this facility. Commissioner Zwetzig read aloud the rules and regulations for a retail facility, use by right. Discussion followed with Mr. Carpenter stating the tank size for the proposed facility will be the same size of that which CPS utilizes and the business itself will be similar, approximately 80 feet in diameter and 50 feet high.

Commissioner Zwetzig stated that one concern to address is the lighting, and he stated he is convinced that it will not be overbearing, and there will be no directional lighting towards the neighbors. The other concern being traffic, and he does not believe that any of the county roads are the proper roadways to be walking on given the speed limit is 55 miles per hour. Traffic on this road in question will not be traveling higher than 45 miles an hour and most of the deliveries are disbursed outside of the area, with Mr. Carpenter stating they travel about 80 miles in any direction. Commissioner Zwetzig referenced the road issue and impact, and stated he is not foreseeing issues with the speed limit at 45 miles an hour and a 25 vehicle impact not including personal vehicles, he does not see that as a huge impact. Discussion followed with Chair Teague stating that traffic in her mind, in comparing with a retail facility, with use by right in a commercial zone, could be much more than this conditional use by right permit.

Commissioner McCracken asked about the fencing that was mentioned in previous comments, with Mr. Crosthwait stating that this requirement is included in the resolution, and is mentioned as a security fence. Chair Teague stated she wants to ensure that the resolution reflects what today's discussion is and decision is.

Commissioner Zwetzig asked that the comment in regards to an industrial area and commercial area be clarified, stating that the location in question is a commercial zoned area and this will not be considered a use by right, and it is not an industrial zoned location. This commercial zone was put in place 8 years ago, and does not want to imply at all this is an industrial park and wants Mr. Greene to understand that this will not be an industrial park. Mr. Greene stated that he would look at selling the other property and only to someone with the reputation that this company has but would not be wanting this to be considered an industrial park. Commissioner Zwetzig stated the business in question that had been commented on that exploded in the State of Texas was a manufacturing company and this proposed business is not a manufacturing business.

Mr. Crosthwait stated that the Planning Commission approved this application 5-1 with the only dissenting vote was due to the fact that the neighbors had not all be contacted with Mr. Crosthwait stating that is not a requirement, but it has occurred in prior dairy permits. Commissioner Zwetzig asked where the requirement for fencing came from, was it from the Planning Commission meeting?

Ann Pascoe, spoke again, stated that she was at the Planning Commission meeting and they had mentioned if they had a fence, would the company be willing to place shrubbery to make it look nice. She further stated that she knows the neighbors who live directly next to the facility in question, and the issues lighting could create and any danger it could cause if someone could get into this facility, naming vandalism and terrorism, and to cause a danger within her neighborhood. She again stated she wishes that the representatives of this company would have spoken with the neighbors directly to discuss the issues and concerns they have. She asked if the company could at least put in place something that would be pleasing and aesthetically appropriate.

Chair Teague stated as a general comment, if it was a retail facility, and zoned in that manner, would the Board be requiring a fence? Commissioner Zwetzig stated he heard two points that they are asking for a pleasing, asthetically looking fence.

Chair Teague confirmed that the two pages of signatures submitted on the petition was 23 on eon and 5 on the other for a total of 28 signatures submitted. Mr. Pascoe commented there may be additional individuals that may want to sign that did not get the opportunity but they have called.

Discussion followed as to the issues that arise when allowing residential communities in an agricultural zoned area, and the problems that can create. Chair Teague stated that she sees less impact with this proposed application than other applications for use by right.

Commissioner Zwetzig stated he would like to make sure there are concerns with the neighbors and the community, with the lighting being one of the concerns, and the fencing has been mentioned, but feels it would be important if the company would try to overcome some of the objections the landowners and neighbors do have and asked if he could make a comment.

Mr. Carpenter stated that none of the fertilizer facilities in the County currently have fences around them, he spoke about being a good neighbor, and spoke about Centennial Ag Supply, and the fact that the neighbors there were pleased with how the business there operated. Mr. Carpenter stated he was born and raised her, lived here all his life

# 14 COMMISSIONERS PROCEEDINGS

and wants to be a good neighbor. Discussion followed as to the site plan being proposed seems similar to that of CSP which is very pleasing to the eye as per Chair Teague.

Discussion followed as to the fence being required with Chair Teague stating it is her opinion that the clause be removed with Commissioner McCracken stating he would agree to remove the clause.

A motion was then made by Commissioner McCracken to approve Resolution 2016 BCC 24 Granting for a Special Use Permit to place and operate a retail seed, fertilizer and farm chemical facility located in the S1/2NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 18626 Morgan County Road 16, Fort Morgan, Colorado and exclude the fencing condition from the resolution. Chair Teague seconded the motion. Commissioner Zwetzig stated he heard two statements from citizens in regards to the fencing that one was in favor and another did not want to look at the fence. Ann Pascoe again spoke, stating that this was brought up at the Planning Commissioner, personally she does not care one way or the other as she lives down the street, but it would be the neighbor that lives closer but could not be present today. Mr. Crosthwait stated this was not one of the conditions made by the Planning Commission. At this time, a vote was taken the motion carried 3-0.

## **RESOLUTION 2016 BCC 024**

### **A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A RETAIL SEED, FERTILIZER, AND FARM CHEMICAL BUSINESS LOCATED IN THE W1/2NW1/4 OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 58 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO**

**Whereas**, on August 9, 2016, the Board of County Commissioners held a public hearing pursuant to the Morgan County Zoning and Subdivision Regulations on the application of Pinnacle Agriculture dba Performance Agriculture as applicant, and Ronald M. Green and Gayle F. Greene as landowners for a Special Use Permit to establish and operate a retail seed, fertilizer, and farm chemical business located on a 15 acre parcel in the W1/2NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., more commonly known as 18626 Morgan County Road 16, Fort Morgan, Colorado 80701, and

**WHEREAS**, notice of the public hearing was properly noticed and the subject property was properly posted, and

**WHEREAS**, the Board of County Commissioners received testimony and evidence from the applicant's representatives, and

**WHEREAS**, the Board of County Commissioners received public comment regarding this application, and,

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

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

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

#### **1. APPROVAL:**

The application of Pinnacle Agriculture dba Performance Agriculture as applicant and Ronald M. Greene and Gayle F. Greene as landowners for a Special Use Permit to establish and operate a retail seed, fertilizer, and farm chemical business located on a 15 acre parcel located in the W1/2NW1/4 of Section 35, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., more commonly known as 18626 Morgan County Road 16, Fort Morgan, Colorado 80701 is hereby granted.

#### **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 to be arranged on the site.



# 16 COMMISSIONERS PROCEEDINGS

(Minutes ratified August 16, 2016)

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

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

\_\_\_\_\_  
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