

BOARD OF MORGAN COUNTY COMMISSIONERS
Minutes of Meeting
October 13, 2009

The Board of Morgan County Commissioners met on Tuesday, October 13, 2009 at 9:00 a.m. with Chairman Brian McCracken, Commissioner Tony Carlson and Commissioner Laura Teague in attendance. Chairman McCracken called the meeting to order with Under Sheriff Dave Martin leading the meeting in the Pledge of Allegiance to the Flag.

CITIZEN'S COMMENT PERIOD

There were no comments.

CONSENT AGENDA

The following items were on the Consent Agenda:

Consideration of Approval of Minutes dated October 6, 2009

Ratify Managing Commissioner Tony Carlson's Signature for the County Veterans Service Officers Monthly Report and Certification of Pay for the month of September 2009

Ratify Managing Commissioner Tony Carlson's Signature on letter to Colorado Department of Public Health and Environment, Darrell Dearborn, Geologist regarding Design and Operations Plan Review Authorization

Ratify Chairman Brian McCracken's Signature on the Morgan County Treasurer and Public Trustee Report for the Time Period of July 2009-September 2009 as submitted by Bob Sagel, County Treasurer

Ratify Managing Commissioner Laura Teague's Signature accepting a proposal from Quad County Plumbing and Heating, Inc. to provide ductless minisplit air conditioning unit in the County Express Office in the amount of \$1,890.00, being the lowest proposal

Ratify the Board of County Commissioner's Signatures approving Requisition #33281 for project on tower site, Jess Tower, for Communications Center, completing a 2009 capital project in the amount of \$12,000.00 to Wireless Advanced Communications, Inc.

Ratification of Chairman's Signature for assignment of debt collection to Affiliated Credit Services for Morgan County Ambulance Service client accounts

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 – RESOLUTION 2009 BCC 38 – GRANTING A TAX REBATE FOR A PERIOD OF FOUR YEARS TO BEM INDUSTRIES, INC.

RESOLUTION
2009 BCC 38

A RESOLUTION GRANTING A TAX REBATE FOR A PERIOD OF 4 YEARS

WHEREAS, BEM Industries, Inc. ("applicant") has proposed to establish a \$500,000 in capital improvements and 13 new full time employees for a agricultural equipment fabrication and repair facility ("project"), and

WHEREAS, the project qualifies as a "new business facility" as defined 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, Capital Lease Purchase Fund), excluding any interest or penalty, on any personal property attributed to the project and sixty percent (60%) 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, Capital Lease Purchase Fund), excluding any interest or penalty, on any real property attributed to the project for a four (4) year period commencing with the 2011 tax year (payable in 2012).

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 property 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 10 full time equivalent new jobs at least 100% of the annual salary for the Morgan County Standard Industrial Classification (SIC) code for each position. The applicant shall be required to report annually, prior to January 30th 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 average annual wage for those jobs.

G. 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 of the applicant

prior to the start of the project and the value upon completion of 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 13th Day of October, 2009.

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

s/ Brian McCracken
Brian McCracken, Chairman

s/ Tony Carlson
Tony Carlson

s/ Laura Teague
Laura Teague

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

Morgan County Economic Developer Kari Linker presented to the Board Resolution 2009 BCC 38 for approval granting a tax rebate for a period of four years to BEM Industries, Inc. The new building site will be on Highway 34 between Fort Morgan and Brush, CO. Linker stated this project will have a total of fifteen full time employees with an average annual wage of \$30,000.00. The applicant has also proposed to establish \$50,000.00 in capital improvements. BEM Industries, Inc. will also receive a sixty percent real property and a fifty percent personal property tax rebate over a four year period. Owner Bruce Mohrlang stated his intent is to bring business back to Morgan County. The company will be fabricating manure spreaders, components, etc. Commissioner Carlson moved to approve Resolution 2009 BCC 38 and was seconded by Commissioner Teague. Motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

There were neither additions nor deletions to the calendar for the week. The Commissioners reported on various roads in their district.

UNFINISHED BUSINESS

There was no unfinished business. The meeting was recessed at 9:11 a.m.

Respectfully submitted,

Denise Gettman
Deputy Clerk to the Board