

COMMISSIONERS PROCEEDING 1

BOARD OF MORGAN COUNTY COMMISSIONERS

Minutes of Meeting

December 7, 2010

The Board of Morgan County Commissioners met on Tuesday, December 7, 2010 at 9:02 a.m. with Chairman Brian McCracken, Commissioner Tony Carlson and Commissioner Laura Teague in attendance. Chairman 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 November 23, 2010

Ratify the Board of County Commissioners approval of the Sealed Bid Process for the Morgan County Surplus Vehicles Award

Ratify Chairman Brian McCracken's signature on the Standard Form to Confirm Account Balance Information with Financial Institutions

Ratify Chairman Brian McCracken's signature on the Governor's Office of Homeland Security Amendment 1 to Law Enforcement Terrorism Prevention Grant Program, Grant Extension (COPLINK Project)

Ratify Chairman Brian McCracken's signature approving the Agreement for Services with Knowledge Computing Corporation (COPLINK Project)

Administrative Services Manager Susan Bailey asked that the Agreement for Services with Knowledge Computing Corporation be removed from the Consent Agenda. Commissioner Teague made a motion to approve all items on the Consent Agenda noting the removal of the Agreement for Services with Knowledge Computing Corporation will be covered under General Business. Chairman McCracken seconded the motion. Motion carried 2-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

CONSIDERATION OF APPROVAL-RESOLUTION-2010 BCC 45-RESOLUTION GRANTING A TAX REBATE FOR A PERIOD OF FOUR YEARS TO APPLICANT LONG MEADOW GAME RESORT AND EVENT CENTER, LLC

RESOLUTION

2010 BCC 45

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

WHEREAS, Longmeadow Game Resort & Event Center, LLC("applicant") has proposed to establish a \$750,000 in capital improvements and 8 new full time equivalent employees for a lodge and event center ("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 real and personal property attributed to the project for a four (4) year period commencing in the first year in which the project is completed and assessed for taxes which are payable the following year. It is the intent of this resolution that the refund shall only apply to the property added to the applicant's existing facility by the project and not any portion of the applicant's existing facility or any property added or replaced in the future which is not part of the proposed project.

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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 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 8 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 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 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 initial net value shall be calculated by subtracting the taxable value of personal property replaced by the project from the taxable value of the 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 attributable to the project to the County Assessor along with its normal reporting of taxable 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 four (4) years. 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 one hundred fifty thousand dollars (\$150,000.00).

E. 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 7th Day of December, 2010.

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

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague

s/Tony Carlson
Tony Carlson

ATTEST:

[SEAL]

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

Morgan County Economic Development Director Kari Linker presented to the Board for approval Resolution 2010 BCC 45. Linker stated this is a formal incentive proposal granting a tax rebate for a period of four years to Long Meadow Game Resort and Event Center, Wiggins, CO. The resolution was originally introduced at the November 23, 2010 Commissioner's Board meeting. Commissioner Teague made a motion to approve Resolution 2010 BCC 45 as outlined by Kari Linker. Commissioner Carlson seconded the motion. Motion carried 3-0.

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CONSIDERATION OF APPROVAL-RESOLUTION-2010 BCC 46-RESOLUTION VACATING A PORTION OF COUNTY ROAD S IN SW ¼ OF SECTION 31, T. 4 N., R. 58 W. AND NW ¼ OF SECTION 6, T. 3 N., R. 58 W.

RESOLUTION 2010 BCC 46

A Resolution vacating a portion of County Road S in SW¼ of Section 31, T. 4 N., R. 58 W. and NW¼ of Section 6, T. 3 N., R. 58 W.

WHEREAS, on December 7, 2010 the Board of County Commissioners of Morgan County, Colorado held a public hearing on a request to vacate a portion of County Road S located between the SW¼ of Section 31, T. 4 N., R. 58 W. and the NW¼ of Section 6, T. 3 N., R. 58 W. of the 6th P.M, and

WHEREAS, all adjacent land owners have waived notice pursuant to Section 43-2-302 C.R.S., and

WHEREAS, the Board of County Commissioners have determined that this county road is not necessary for the public health, safety, and welfare.

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

1. The following county road is hereby vacated by Morgan County pursuant to Section 43-2-302 C.R.S.:

All of Morgan County Road S lying east of Morgan County Road 12 for a distance of and located between the SW¼ of Section 31, T. 4 N., R. 58 W. and the NW¼ of Section 6, T. 3 N., R. 58 W. of the 6th P.M, being a parcel 60 feet wide and approximately one half (1/2) mile long and shown on the attached map.

2. All interest of Morgan County in this county road shall revert to the High Plains Grazing Association and Fort Morgan Farms, LLC whose property lies adjacent to the vacated county road.
3. Future maintenance of or improvements to the road shall be the responsibility of the adjacent land owners and not that of Morgan County.

DATED this 7th day of December, 2010.

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague

s/Tony Carlson
Tony Carlson

ATTEST:

[SEAL]

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

Morgan County Attorney George Monsson presented to the Board for approval Resolution 2010 BCC 46. Monsson stated this resolution is to vacate a portion of County Road S, Fort Morgan, CO because it is a dead end which has a vacant house on the property. The adjacent land owners have requested that this section of the road be closed for safety reasons and for the welfare of the public. All interest in County Road S will revert to the High Plains Grazing Association and Fort Morgan Farms, LLC whose property lies adjacent to the vacated road. Commissioner Carlson made a motion to approve Resolution 2010 BCC 46 and authorize the chairman to sign. Commissioner Teague seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-2010 CNT 91-KNOWLEDGE COMPUTER CORPORATION-KCC-NEAHR COPLINK PROJECT

Director of Emergency Management Steve Enfante presented to the Board for approval a contract between Morgan County and Knowledge Computing Corporation. The contract would start immediately and run through June 30, 2011 in the amount of \$236,990.00. Morgan County received the funds from a Homeland Security Grant. The only fee that Morgan County will acquire is the note fee. The note fee will be approximately twenty to twenty-five dollars per officer per year. Morgan County will host the project and other counties will be under Morgan County.

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At this time Morgan County has Logan County and Yuma County on board. Eventually the project will be state wide. The Coplink Project will enhance the ability to proceed in criminal activity and background checks. Information Systems Manager Karol Kopetzky will be setting up the software data. Commissioner Teague made a motion to approve Contract 2010 CNT 91 between Morgan County and Knowledge Computer Corporation and authorize the chairman to sign. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT 2010 CNT 92-EAST MORGAN COUNTY HOSPITAL SERVICE AGREEMENT

Interim Director of Morgan County Ambulance Joe King presented to the Board for approval Contract 2010 CNT 92. King stated the term of the contract will run from January 1, 2011 through December 31, 2011. The purpose of the contract is to ensure confidentiality, transports, federal laws and states liabilities. Commissioner Teague made a motion to approve Contract 2010 CNT 92 between Morgan County and East Morgan County Hospital and authorize the chairman to sign. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-CONTRACT-FOURTH AMENDMENT TO PURCHASE AND SALE CONTRACT-RMNM, LLC

Morgan County Attorney George Monsson presented to the Board for approval the Fourth Amendment to Purchase and Sale Contract. Monsson stated this is an extension of the sale contract of approximately ten acres Morgan County owns in the Rosewood Subdivision located on the south side of the railroad tracks in Brush, CO. Rocky Mountain National Meats is still in negotiations with the City of Brush which will extend the sale contract date until March 31, 2011. Morgan County Economic Development Director Kari Linker noted Rocky Mountain National Meats is moving forward to get the special use permit processed. Commissioner Carlson made a motion to approve the Fourth Amendment to Purchase and Sale Contract between Morgan County and Rocky Mountain National Meats. Commissioner Teague seconded the motion. Motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar for December 3, 2010 through December 14, 2010 with changes.

Commissioner Carlson thanked M & M CO-OP for their support and donation to the Morgan County Fair Board.

OTHER BUSINESS

There was no other business.

CITIZEN'S COMMENT PERIOD

There were no citizen comments.

We hereby adjourn and are in recess at 9:20 a.m.

Respectfully submitted,

Denise Gettman
Deputy Clerk to the Board

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague

s/Tony Carlson
Tony Carlson

ATTEST:

[SEAL]

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

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MORGAN COUNTY BOARD OF COMMISSIONERS December 7, 2010 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, December 7, 2010 at 9:30 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; George Monsson, County Attorney; and Susan Bailey, Administrative Services Manager for Morgan County.

The hearing was called to order by Chairman Commissioner McCracken.

NEW BUSINESS:

Applicant: Randy Grindle

Landowner: High Plains Bank

Application for Minor Subdivision to create 2 lots, one of 2.0 acres and one of 12.50 acres located in the SW1/4 of Section 6, Township 3 North, Range 58 West of the 6th P.M., Morgan County, aka 17504 and 17530 County Road 12, Fort Morgan, Colorado.

Randy Grindle, from Re/Max Quality Living, was present to represent the application.

Barb Gorrell presented the file and noted the following:

The landowner will be selling both lots which have existing improvements.

Septic systems are in place.

Both lots are currently being served by one Quality Water tap. A referral response from Quality Water states that an additional tap has been applied for but not yet purchased. I recommend that this tap be purchased prior to recording of this subdivision.

Three existing driveways have been approved by the County Road & Bridge Dept. The plat indicates several easements. Two of these easements access the farm ground. The northern most easement provides access from the farm ground to a well. This well serves the adjacent farm ground and that landowner will retain ownership of the well.

Soils are listed as severe for cutbanks. Any future landowner is advised to conduct soil testing prior to new construction.

Parcel is located within the Fort Morgan Fire Dist.

As all improvements are existing covenants have not been submitted. Marlin Eisenach has approved 2 animal units on Lot 1 and 4 animal units on Lot 2.

It is noted that this parcel cannot be further subdivided by any means for a period of 10 years from the date of final approval.

A small portion of Lot 1 is located in the floodplain. Although all improvements are out a large portion of Lot 2 is located in the floodplain. Any construction in the floodplain areas is discouraged. Floodplain permitting would be required within this area.

All appropriate notices, postings and publication requirements have been met. Property is zoned "A" Agriculture. Taxes are paid.

Barb recommended approval on the condition that a second Quality Water tap be purchased prior to recording the final plat.

Barb Gorrell said the Planning Commission also recommended approval of this application with the same condition that a second Quality Water tap be purchased prior to recording the final plat.

There was discussion on the number of animal units as approved by Marlin Eisenach, Morgan County Extension Agent. The Board figured the animal units allowed on Lot 2 were lower because of the sandy soil in this area.

Commissioner Carlson asked about the location of the septic systems and Barb noted that the septic systems are located outside the flood plain area. Commissioner Teague noted that all septic systems may become subject to title transfer for inspection and use and this is something the Board of Realtors should keep in mind.

Randy Grindle noted that a second Quality Water tap has been purchased and he will get proof of that information to Barb Gorrell. Randy also explained the reason for the long narrow parcel on Lot 2 was for the purpose of keeping any additional structures out of the flood plain.

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

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It was moved by Commissioner Teague and seconded by Commissioner Carlson to approve this Application for Minor Subdivision (known as Bijou No. 12 Minor) to create 2 lots, one of 2.0 acres and one of 12.50 acres located in the SW1/4 of Section 6, Township 3 North, Range 58 West of the 6th P.M., Morgan County, aka 17504 and 17530 County Road 12, Fort Morgan, Colorado, with the following conditions and notations:

1. A second Quality Water tap be purchased prior to recording the final plat with proof of same being given to the Planning Department.
2. Animal units as approved by Marlin Eisenach shall be as follows: 2 animal units on Lot 1 and 4 animal units on Lot 2.

Motion carried 3-0 becoming Resolution #2010 BCC 47.

APPLICANT: Centennial Ag Supply Co.

LANDOWNER: Same

Application for Amended Use by Special Review located in the W1/2NW1/4 of Section 3, Township 3 North, Range 58 West of the 6th P.M., aka 17878 County Road 15, Fort Morgan, Colorado.

Linda Hulse from Centennial Ag Supply Co., 24330 Hwy 34, Greeley, Colorado, and Greg France, manager of the Fort Morgan plant, were present to represent the application.

Barb Gorrell presented the file and noted the following:

On August 12, 1996, by Resolution 96 BCC 47, Gary and Constance Alford were granted a Use by Special Review for agricultural chemical storage. Paragraph 6 of this Resolution reads: "This permit is specifically for those facilities existing on the site as of August 12, 1996. No expansion of facilities is allowed under this permit without a public hearing and an amendment to this permit pursuant to the Morgan County Zoning Regulations." The Alford's have since sold the parcel and business at this site. The permit issued in 1996 runs with this parcel.

The applicants wish to expand their business by constructing an 8,000 sq. ft. distribution facility with the possibility of expanding the facility to 18,000 sq. ft. in the future. The facility will continue to be a distribution site for ag chemicals including fertilizers and pesticides as well as seed. It does not appear that there will be any additional tank batteries.

Vesting has not been requested.

The new facility will be served by an additional Quality Water tap. A septic permit and Quality Water tap number will be required prior to issuance of a building permit. The size of the building will also require an engineered drainage plan for runoff containment.

The Emergency Response plan submitted with the application has been forwarded to the Office of Emergency Management for review. As of this writing his response has not been received. Barb said she assumed that a lack of response from Emergency Management meant approval. She did send them a plan. The file does include a letter from the Fort Morgan Fire Department stating they will provide service.

Off site impacts may include dust due to an increase in traffic. This should be addressed and dust mitigation may be required.

Soils are listed as severe for cutbanks but are otherwise generally acceptable.

This will be a positive development for Morgan County as it will provide as many as 8 new jobs with an average wage above the County average.

All appropriate notices, posting and publication requirements have been met. Property is zoned "A" Agriculture. Taxes are paid. Site is not in the floodplain.

Barb recommended approval. She noted a letter which was included in the Commissioners' packet from Vera Norris, a neighboring landowner, stating road concerns of traffic, dust, and speed limits. Barb also noted other testimony at the Planning Commission hearing regarding dust mitigation on the roads. She said the Planning Commission approved this application without any conditions for dust mitigation.

There was discussion regarding the speed limit and no one was sure if there was a posted speed limit on County Road 15. When asked, Mr. France thought 35 mph was reasonable and would help with dust issues.

Greg France said they fall under regulations of the EPA, Colorado Dept. of Ag, and the Colorado Dept. of Public Health and Environment, who review their plans for this facility.

Mr. France said there would be approximately 6-8 trucks in and out of the facility a day; the truck traffic being seasonal.

Barb Gorrell said there are several parcels created prior to the 1970's and there have been a couple of subdivisions created in the last five years. She did not remember any discussion regarding the fertilizer plant at those hearings.

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Mr. France told the Commissioners that Centennial would appreciate their support of this application; this will be good for the community and this facility is a central location for their other plants.

Commissioner Teague noted that Centennial has already been approved for certain incentive programs for this project.

Commissioner Carlson asked about Vesting of Rights. Barb Gorrell said this process had been discussed with the applicant earlier. She explained the vesting process to everyone and told the applicant if this project was not completed within the 3-year statutory time frame, they could apply for an additional Vesting of Rights. It would go through a similar hearing process. Linda Hulse thought 3 years was plenty of time to complete their project.

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

George Monsson told the Commissioners that the speed limit would be a separate issue through Road and Bridge.

It was moved by Commissioner Carlson and seconded by Commissioner Teague to approve this Application for Amended Use by Special Review to expand an ag fertilizer, chemical and seed facility located in the W1/2NW1/4 of Section 3, Township 3 North, Range 58 West of the 6th P.M., aka 17878 County Road 15, Fort Morgan, Colorado. Motion carried 3-0, becoming Resolution #2010 BCC 48.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague

s/Tony Carlson
Tony Carlson

ATTEST:

[SEAL]

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board