

BOARD OF MORGAN COUNTY COMMISSIONERS
Minutes of Meeting
August 25, 2009

The Board of Morgan County Commissioners met on August 25, 2009 at 9:03 a.m. with Chairman Brian McCracken, Commissioner Tony Carlson, Commissioner Laura Teague, Attorney George Monsson, Clerk to the Board Connie Ingmire and Deputy Clerk to the Board Dee Loose in attendance. Chairman McCracken called the meeting to order with Economic Development Director Kari Linker leading the meeting in the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Commissioner Carlson entertained a motion to approve the minutes of the Board of Equalization hearings on July 29, 2009, July 31, 2009 and August 3, 2009 noting an error in the July 31, 2009 minutes to correct the amount of \$143,000.00 to \$143,000,000.00. Commissioner Carlson also moved to approve the August 4, 2009 Board of Commissioner and Planning and Zoning meetings held on August 4, 2009 as written. Chairman McCracken seconded the motion. Motion carried 2-0. Commissioner Teague entertained a motion to approve the minutes of the Planning and Zoning meeting held on August 18, 2009 and the Board of Commissioners meeting held on August 18, 2009 as written. Chairman McCracken seconded the motion. Motion carried 2-0.

COUNTY ROAD AND BRIDGE REPORT

The Commissioners reported on various roads in their district.

OLD BUSINESS

RESOLUTION 2009 BCC 25-GRANTING APPROVAL OF A PLANNED DEVELOPMENT-BROWNE AND BROWNE, LLC AND BARBARA BROWNE AS LANDOWNERS-APPLICANT FOR A COMMERICAL PLANNED DEVELOPMENT TO CREATE FOUR LOTS

RESOLUTION
2009 BCC 25

A Resolution Approving a Planned Development located in the SW1/4 of Section 2, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado.

WHEREAS, on August 4, 2009, 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 Browne & Browne, LLC and Barbara Browne as landowners for a commercial Planned Development to create four lots, three of 3.17 acres and one of 4.0 acres and one tract of 46.47 acres located in the SW1/4 of Section 2, Township 3 North, Range 57 West of the 6th P.M., and located south of Colorado State Highway 34, between County Roads 22 and 22.5, Fort Morgan, and known as Browne Planned Development, and

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

WHEREAS, the Board of County Commissioners received testimony from the applicants representative, and

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

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

WHEREAS, there was no public comment on the application,

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

1. The application of Browne & Browne, LLC and Barbara Browne as landowners for a commercial Planned Development to create four lots, three of 3.17 acres and one of 4.0 acres and one tract of 46.47 acres located in the SW1/4 of Section 2, Township 3 North, Range 57 West of the 6th P.M., and located south of Colorado State Highway 34, between County Roads 22 and 22.5, Fort Morgan, and known as Browne Planned Development, is hereby granted.

2. The Board of County Commissioners finds that the proposed project is in compliance with the Morgan County Comprehensive Plan and that the criteria of Section 3-425 of the Morgan County Zoning Regulations have been met by the application and the terms and conditions of this resolution. Specifically:

- a. Chapter 4 - Economic Development of the Morgan County Comprehensive Plan encourages the location of new industry and the expansion of existing businesses that will provide employment opportunities and increase the tax base to strengthen the economy of Morgan County.
- b. Chapter 8 – Utilities, Public Facilities and Services of the Morgan County Comprehensive Plan. The applicant has demonstrated that they have access to adequate utilities, public facilities and services. The proposed water supply has been found to be adequate in terms of quality, quantity and reliability.
- c. Chapter 9 – Circulation and Transportation of the Morgan County Comprehensive Plan. The applicant has demonstrated an adequate circulation and transportation plan. All interior roads will be constructed to meet or exceed County Standards.

3. The entire contents of the application and the provisions of this Resolution shall constitute the Planned Development Final Plan as referred to in the Morgan County Zoning Regulations and shall be binding on the applicant and its successors and shall be the terms and conditions of this permit. This shall include construction of roads, access, and placement of culverts as set out in the application and in testimony at hearings.

4. The drainage plan submitted with the application is to be strictly adhered to. This includes but is not limited to the installation of culverts and drainage easements.

5. Acceptable financial surety in the amount of 110% of the construction costs of infrastructure must be submitted. This financial surety may be for each phases of the development.

6. The interior roadways of the Planned Development shall be maintained by the lot owners and/or the Land Owners Association.

7. All on and off site impacts have been satisfactorily mitigated by the terms and conditions of this permit.

8. The planned development is satisfactorily compatible with surrounding uses.
9. It is in the best interests of the public health, safety, and welfare to grant the application.
10. There is a public need for the project.
11. All past, present and future drainage problems on the site are the responsibility of the applicants and their successors in interest and not that of Morgan County.
12. The applicants are required, as a condition of this permit, to furnish any purchaser or other successor in interest to any lot in this subdivision with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96BCC41 on July 23, 1996, and amended by Resolution 2008 BCC 34 on September 2, 2008 and the Receipt and Statement of Understanding of said policy. The Policy and Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchasers or other successors.
13. All information submitted by the applicants in their application is part of the approval of this planned development and all terms, conditions, and information submitted shall be strictly adhered to.
14. The Board of County Commissioners retains continuing jurisdiction on this permit to address possible future problems with the site and to insure compliance with the conditions of this permit. The County also retains jurisdiction and the right and authority of County personnel to inspect the site at any reasonable time.
15. The applicants shall be responsible for complying with all of 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 applicants or their successors in interest and hearing.

BE IT FURTHER RESOLVED:

1. The zoning of the planned development is hereby changed from "PD" Planned Development to "C" Commercial

DATED this 25th day of August, 2009, *nunc pro tunc August 4, 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

Chairman McCracken presented Resolution 2009 BCC 25 for approval of a commercial planned development by Browne and Browne, LLC and Barbara Browne as landowners and applicant to create four lots located south of Highway 34 between County Road 22 and County Road 22.5, Ft. Morgan, CO. Commissioner Carlson made a motion to approve Resolution 2009 BCC 25 for a commercial planned development located in the SW1/4 of Section 2, Township 3 North Range 57 West of the 6th P.M., Morgan County, CO with application from Browne and Browne, LLC and Barbara Browne as landowners. Commissioner Teague seconded the motion. Motion carried 3-0.

NEW BUSINESS

APPROVAL-GRANT CONTRACT-STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS-COMMUNITY DEVELOPMENT BLOCK GRANT-SEXUAL ASSAULT RESPONSE ADVOCATES-TO ASSIST IN THE PAYOFF OF A BRIDGE LOAN FROM FUNDING PARTNERS FOR THE ACQUISITION OF AN EXISTING PROPERTY LOCATED AT 418 ENSIGN ST., FT. MORGAN, CO.

AND

APPROVAL-MEMORANDUM OF UNDERSTANDING-MORGAN COUNTY-SEXUAL ASSAULT RESPONSE ADVOCATES TO DEVELOP AND CARRY OUT A HOUSING PROJECT

Sexual Assault Response Advocates Executive Director Paula Bragg requested signatures from the Board in order to finalize the Community Development Block Grant application process. The grant funds received will finalize the purchase of property located at 418 Ensign St., Ft. Morgan, CO. These funds enable S.A.R.A. to provide direct services for residents of Morgan County who have been victims of sexual assault. Bragg reported S.A.R.A provides services to approximately one hundred and seventy clients. Commissioner Teague made a motion to approve and authorize Chairman McCracken to sign both the CDBG Grant Contract to assist in the payoff of property located at 418 Ensign St., Ft. Morgan, CO and the Memorandum of Understanding between Morgan County and S.A.R.A. Commissioner Carlson seconded the motion. Motion carried 3-0.

APPROVAL-INTERGOVERNMENTAL AGREEMENT-MORGAN COUNTY AND THE STATE OF COLORADO JUDICIAL DEPARTMENT, 13TH JUDICIAL DISTRICT-MODEL TRAFFIC CODE

Chairman McCracken presented the Intergovernmental Agreement with Morgan County and the State of Colorado Department, 13th Judicial District Model Traffic Code with a term of July 1, 2009 through June 30, 2010. County Attorney George Monsson indicated the procedure is a continual agreement to support Model Traffic Code and is renewed annually. Commissioner Carlson moved to approve the Intergovernmental Agreement with the State of Colorado Judicial Department, 13th Judicial District and Morgan County to process the Model Traffic Code with a term from July 1, 2009 through June 30, 2010. Commissioner Teague seconded the motion. Motion carried 3-0.

APPROVAL-MEMORANDUM OF UNDERSTANDING-MORGAN COUNTY AND HIGH PLAINS RENEWABLE ENERGY, LLC-TO RECORD BOTH PARTIES INTENT REGARDING THE APPLICATION FOR A FEDERAL TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVER DISCRETIONARY GRANT FOR THE DEVELOPMENT OF RAIL INFRASTRUCTURE AND POSSIBLE DEVELOPMENT OF THE RAIL INFRASTRUCTURE ON THE PROPERTY OWNED BY HIGH PLAINS RENEWAL ENERGY, LLC LOCATED WITHIN MORGAN COUNTY

Economic Development Director Kari Linker reported on the double loop rail system project at the one hundred fifty-five acre Industrial Park located between Morgan County Roads 12, 13 and Q west of Ft. Morgan, CO. Linker noted Morgan County is the applicant for the grant funds with Morgan County owning the rail and working with High Plains Energy, LLC. Linker stated if the grant funds are awarded to Morgan County, a contract process would then begin. Attorney Monsson noted the Memorandum of Understanding is not a contract and is not binding if either party decides not to participate. Tim Kent representing High Plains Renewal Energy, LLC reiterated the grant process is a nonbinding understanding between Morgan County and High Plains. Kent noted the grant process is very competitive and is at the discretion of the Secretary of Transportation. Kent reported the grant process is seventy-five percent complete and the engineering and environmental studies have been done. The application is due September 15, 2009 and will be electronically submitted with results out approximately January 15, 2010. Linker noted what sets Morgan County apart is the double loop rail that would allow one hundred ten rail cars to come off the Burlington Northern main line. In addition to the renewable energy aspect Linker noted that over a ten year period the project could generate approximately five hundred forty jobs and bring in five to ten businesses to the area. Commissioner Carlson made a motion to approve the Memorandum of Understanding between Morgan County and High Plains Renewable Energy, LLC as outlined by Kari Linker and Tim Kent. Commissioner Teague seconded the motion and authorized Chairman McCracken to sign the Memorandum of Understanding. Motion carried 3-0.

BID AWARD-TAX NOTICES PRINTING

Morgan County Treasurer Bob Sagel presented bids for printing, stuffing and grouping tax notices with return envelopes. Sagel stated that both companies will CASS certify mailing addresses which allows for a better postal rate. The first bid was from DataProse located in California for \$3,400.00. The second bid was from The Master's Touch, LLC located in Washington for \$2,960.00. Sagel noted he contacted local printers with no response. Sagel recommended the bid award go to The Master's Touch, LLC for \$2,960.00 for a one year contract. Commissioner Teague made a motion to approve The Master's Touch, LLC bid. Commissioner Carlson seconded the motion. Motion carried 3-0.

CALENDAR

Executive Assistant Susan Bailey announced the Communication Board meeting scheduled on August 25, 2009 at 1:00 p.m. was canceled.

ADJOURNMENT

With no further business, the meeting recessed at 9: 30 a.m.

Respectfully submitted,

Dee Loose
Clerk to the Board