

**BOARD OF MORGAN COUNTY COMMISSIONERS**  
**Minutes of Meeting**  
**September 8, 2009**

The Board of Morgan County Commissioners met on Tuesday, September 8, 2009 at 9:09 a.m. with Chairman Brian McCracken, Commissioner Laura Teague and Commissioner Tony Carlson in attendance. Chairman McCracken called the meeting to order with Planning Administrator Barb Gorrell 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 September 1, 2009  
Ratification of Chairman's signature for budget agency letters to non-profit agencies  
Ratification of signatures of Board of County Commissioners on signature card at Wells Fargo for Commissioner's warrant/checking account  
Ratification of Chairman's signature on court orders  
Ratification of Chairman's signature on District Court Case #06CV100  
Consideration of transfer of debtors of Ambulance Accounts to collections agency for the month of August 2009

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 3-DELEGATING THE COUNTY ASSESSOR THE AUTHORITY TO MAKE TAX REFUNDS OR ABATEMENTS UP TO \$1,000.00**

**RESOLUTION**  
**2009 BCC 3**

**A RESOLUTION DELEGATING TO THE COUNTY ASSESSOR THE AUTHORITY TO MAKE TAX REFUNDS OR ABATEMENTS UP TO \$1000**

**WHEREAS**, Section 39-1-113(1.5) of the Colorado Revised Statutes authorizes the Board of County Commissioners to delegate to the County Assessor to review petitions for abatement or refund of property taxes of \$1,000.00 or less, and

**WHEREAS**, this authority has been previously delegated to the Morgan County Assessor by Resolution 92 BCC 46 (October 13, 1992), and

**WHEREAS**, it is in the best interests of Morgan County to continue this policy because it will expedite the processing of abatement petitions.

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

1. Pursuant to the authority of Section 39-1-113(1.5) the Board of County Commissioners of Morgan county delegates to the Morgan County Assessor the authority to review petitions for abatement or

refund of property taxes and to settle by mutual written agreement and to settle any such petition in and amount of \$1,000.00 or less per tract, parcel, or lot of land or per schedule of personal property.

2. The Board of County Commissioners reserves the authority to hear and make a decision on any petition for abatement or refund in the amount of \$1,000.00 or less per tract, parcel, or lot of land or per schedule of personal property. Such reserved right shall be exercised by the Board by designation of selected petitions for hearing at a posted meeting of the Board and the Assessor to be held prior to the Assessor's final action on such petitions. Should the Board elect not to exercise its reserved right at such meeting, the Assessor shall proceed to enter into written mutual agreements with the taxpayer or the taxpayer's agent and to direct the abatement or refund of the taxes in question as provided by statute. Should the Board elect to exercise its reserved right at such meeting, the Board shall set a hearing on such petition at a time and place set by mutual agreement of the Board, the Assessor, and shall issue notice thereof, in accordance with statute.
3. In the event that a petition for abatement or refund is brought by the Assessor which the Assessor does not support or that the petition seeks the abatement or refund of more than \$1,000.00, then the Board of County Commissioners shall set such petition for hearing at a time and place set by mutual agreement of the Board and the Assessor and shall issue notice thereof, in accordance with statute.
4. This procedure shall not apply to abatements or refunds initiated by the Assessor as a means of implementing decisions of the Colorado Property Tax Administrator as to the exemption of certain property from ad valorem taxation, which shall proceed as before in requiring approval of the Board of County Commissioners after preparation by the Assessor.

**DATED** this 8<sup>th</sup> Day of September, 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 Attorney George Monsson presented to the Board Resolution 2009 BCC 3 for approval of delegating the County Assessor the authority to make tax refunds or abatements up to \$1,000.00. Monsson stated Resolution 2009 BCC 3 is an updated version of Resolution 2009 BCC 46 from October 13, 1992 and is merely a housekeeping measure. Commissioner Teague moved to approve Resolution 2009 BCC 3 and was seconded by Commissioner Carlson. Motion carried 3-0.

**CONSIDERATION OF APPROVAL-RESOLUTION 2009 BCC 31-RESOLUTION AMENDING  
RESOLUTION 2007 BCC 29-HIGH PLAINS RENEWABLE ENERGY, LLC**

**RESOLUTION  
2009 BCC 31**

**A Resolution Amending Resolution 2007 BCC 29**

**WHEREAS**, the Morgan County Board of County Commissioners adopted Resolution 2007 BCC 29 on July 2, 2007, and

**WHEREAS**, Resolution 2007 BCC 29 granted a Special Use Permit to High Plains Renewable Energy, LLC for establishment of an Ethanol Production Facility located in the S1/2NW1/4 and the SW1/4 of Section 8, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, and

**WHEREAS**, Resolution 2007 BCC 29 states “Construction on the project shall commence no later than 2 years from the date of this Resolution. Failure to meet this requirement shall be grounds for revocation of this permit after notice to the applicant and a public hearing before the Morgan County Board of County Commissioners.” and

**WHEREAS**, the Morgan County Board of County Commissioner’s realize the value and importance of this project to Morgan County and its’ citizens, therefore the Special Use Permit is extended.

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

1. Paragraph 2(c) (iii) of Resolution 2007 BCC 29 is hereby amended to read as follows:

- iii. Construction on the project shall commence no later than 2 years from the date of Resolution 2009 BCC 31. Failure to meet this requirement shall be grounds for revocation of this permit after notice to the applicant and a public hearing before the Morgan County Board of County Commissioners.

2. All other terms and conditions of Resolution 2007 BCC 29 remain in full force and effect.

**DATED** this 8th Day of September, 2009

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

\_\_\_\_\_  
s/ Brian McCracken  
Brian McCracken, Chairman

\_\_\_\_\_  
s/ Tony Carlson  
Tony Carlson

**ATTEST:**

(SEAL)

\_\_\_\_\_  
s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

Planning Administrator Barb Gorrell presented to the Board Resolution 2009 BCC 31 for approval to amend Resolution 2007 BCC 29 for construction of an ethanol plant by High Plains Renewable Energy, LLC. Gorrell stated a special use permit was granted in 2007 but is recommending a two year extension from today's date noting the value and importance of this project to Morgan County. Commissioner Teague excused herself due to conflict of interest. Commissioner Carlson made a motion to approve amending Resolution BCC 29 to extend the special use permit for two years from September 8, 2009 to September 8, 2011 for an ethanol production facility located in the S1/2NW1/4 and the SW1/4 of Section 8, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, CO. Chairman McCracken seconded the motion. Motion carried 2-0.

**CONSIDERATION OF APPROVAL-RESOLUTION 2009 BCC 33-RESOLUTION GRANTING A TAX REBATE FOR A PERIOD OF TEN YEARS TO EHRlich TOYOTA EAST**

**RESOLUTION  
2009 BCC 33**

**A RESOLUTION GRANTING A TAX REBATE FOR A PERIOD OF TEN YEARS**

**WHEREAS**, Ehrlich Toyota East ("applicant") has proposed to establish a \$2.5 million in capital improvements and 30 new full time employees for an automobile sales 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 sixty percent (60%) of the real and personal property taxes attributable to the project for a period of ten (10) 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 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 and personal property attributed to the project for a ten (10) year period commencing with the 2010 tax year (payable in 2011).

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 20 new jobs at an average annual wage equal to or greater than the Morgan County average wage for the SIC code for each position. The applicant shall be required to report annually, prior to January 30<sup>th</sup> of each year, the number of jobs for the previous calendar year, the months those jobs were occupied, the salary paid for those jobs, and the SIC code and Morgan County annual wage for those jobs.

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 and the receipt of the information which the applicant is required to provide in Paragraph 2F.

**DATED** this 8<sup>th</sup> day of September, 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

Economic Developer Kari Linker presented to the Board Resolution 2009 BCC 33 granting a tax rebate for a resolution signed in 2008 due to development changes. Linker noted Ehrlich Toyota East proposes an increase from \$2.2 million to \$2.5 million in capital improvements for a new automobile sales and repair facility located at the vacant K-Mart site. Linker noted Ehrlich Toyota East would receive an economic development tax refund of sixty percent of real and personal property taxes for a period of ten years to start with the tax year 2010 instead of 2009. Funds paid Ehrlich Toyota East over a ten year period would be an estimated \$125,923.00 based on the project. Linker noted Ehrlich Toyota East meets the industry wage requirements with an estimated \$10,000.00 over the average wage. Ehrlich Toyota East owner, Scott

Ehrlich reported construction is going well and noted with the help of incentives received, were able to acquire the K-mart site and is looking forward to being a positive asset to the community. Ehrlich noted October 15, 2009 as an approximate completion date. Commissioner Carlson made a motion to approve Resolution 2009 33 granting a tax rebate for ten years to Ehrlich Toyota East as outlined by Kari Linker. Commissioner Teague seconded the motion. Motion carried 3-0.

**CONSIDERATION OF APPROVAL-RIGHT OF WAY PERMIT-2009 PMT 19-PUBLIC SERVICE COMPANY OF COLORADO TO BORE U.G. CONDUIT WITH PRIMARY FEEDER CABLE**

Administrative Assistant Susan Bailey presented the right of way permit request from Public Service Company to bore across County Road S, Fort Morgan, CO on the north and south side for a distance of three thousand seven hundred fifty feet. Bailey noted Road Supervisor John Goodman has approved the permit and fees were paid in the amount of \$625.00. Commissioner Teague made a motion to approve 2009 PMT 19 and was seconded by Commissioner Carlson. Motion carried 3-0.

**CONSIDERATION OF APPROVAL-CONTRACT-QUALCOMM-JD LINK-USER ACCOUNT FOR JD LINK/THREE NEW MOTOR GRADERS-PREPAID FOR THREE YEARS**

Administrative Assistant Susan Bailey presented the Qualcomm JD Link Contract to the Board for review as provided by Fleet Manager Bruce Bass. The contract is a three year prepaid service contract for the JD Link which was paid when the three motor graders were purchased. Commissioner Carlson made a motion to approve the Qualcomm JD Link three year prepaid contract and authorize Chairman McCracken to sign the contract. Commissioner Teague seconded the motion. Motion carried 3-0.

**COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Chairman McCracken noted the Treasurer's Report for the month ending August 31, 2009. The Commissioners reported on various roads in their district. There were neither additions nor deletions to the calendar for the week.

**UNFINISHED BUSINESS**

**CONSIDERATION OF APPROVAL-AGREEMENT WITH CITY OF FORT MORGAN-VIDEO ARRAIGNMENT SYSTEM**

Morgan County Attorney George Monsson reported the City of Fort Morgan did review and sign the Video Arraignment System Agreement. Monsson noted the system has worked well for the past year by not having to transport inmates for court proceedings. Commissioner Carlson moved to approve the Video Arraignment System Agreement with a payment of \$320.00 per month payable to Morgan County. Commissioner Carlson noted this is a one year agreement and authorized Chairman McCracken to sign the Video Arraignment System agreement. Commissioner Teague seconded the motion. Motion carried 3-0.

**ADJOURNMENT**

With no further business, the meeting recessed at 9:31 a.m.

Respectfully submitted,

Dee Loose  
Deputy Clerk to the Board

