



AGENDA
Logan County Board of Commissioners
Logan County Courthouse, 315 Main Street, Sterling, Colorado
Tuesday, January 31, 2023 - 9:30 a.m.

Call to Order
Pledge of Allegiance
Revisions to Agenda
Consent Agenda

Approval of the Minutes of January 17, 2023 meeting.

Acknowledge the receipt of The Clerk and Recorder's Fee Report for month of December 2022.

Approval of the renewal of a Fermented Malt Beverage License Renewal Application on behalf of Spurz Grill, Inc.

Unfinished Business

Consideration of the approval of Resolution 2022-30 granting a conditional use permit (CUP) #257 on behalf of Stratus Sterling LLC to operate an aggregate mining pit known as the Stratus Sterling LLC Pit in an industrial zone district located in the southeast quarter (SE1/4) of Section 32, Township 8 North Range 52 West of the 6th Principal Meridian, Logan County, Colorado.

Consideration of the approval of Resolution 2023-1 for Subdivision Exemption on behalf of Robert Mesch to create a tract three hundred (300) feet North and South and one hundred seventy (170) feet East and West from the Northeast corner of the tract six hundred twenty five (625) feet North and South and five hundred ninety-five (595) feet East and West the Northwest corner of the East half of the Northwest Quarter (E1/2NW1/4) of Section Thirty-Five (35), Township Seven (7) North, Range Fifty-Five (55) West of the Sixth Principal Meridian, Logan County, Colorado.

New Business

Consideration of contract renewal between Logan County and Lumen for phone system support.

Consideration of the approval of an application on behalf of Med-Evac for an Ambulance License for ground transport of patients from Sterling Regional MedCenter to higher level care facilities in the event that air transport cannot be used.

Other Business
Miscellaneous Business/Announcements

The next regular meeting will be scheduled for Tuesday, February 7, 2023, at 9:30 a.m. at the Logan County Courthouse.

Executive Session as Needed
Adjournment

January 17, 2023

The Logan County Board of Commissioners met in regular session with the following members present constituting a quorum of the members thereof:

Jerry A. Sonnenberg	Chairman
Joseph A. McBride	Commissioner
Mike Brownell	Commissioner

Also present:

Alan Samber	Logan County Attorney
Pamela Bacon	Logan County Clerk & Recorder
Marilee Johnson	Logan County Public Information Officer
Rob Quint	Logan County Planning and Zoning
Faith Blankenship	Logan County Commissioner Office
Debbie Unrein	Logan County Finance
Jerry Caseboldt	Logan County Emergency Mgr.
Diana Korbe	Logan County HR
Trae Miller	Logan County Economic Development
Kevin Blankenship	City of Sterling
Linda Gebauer	Resolution 2022-30
Roger Hollard	Stratus Company
Tony Roberts	IHC Scott
Andrew Fritzler	LCEDC
Dave Iverson	Western Sugar
Madison Hardman	NECHD
Melvin Bustos	NECHD
Tom Kiel	Better Electric
Brandon Mason	Resolution 2023-1
Andy McClary	Resolution 2023-1
Deanne Mason	Resolution 2023-1
Barry Mason	Resolution 2023-1
Susan Michaels	
Shane Nichols	
Carol Waterman	
Brent Erickson	
Alicia Iannoe	
Wayne Johnson	
Elenor Brown	
Rethea Foxhoven	
Larry Mesch	
Margo Mesch	
Jeff Rice	Journal Advocate

Chairman Sonnenberg called the meeting to order at 9:31 a.m. and opened the meeting with the Pledge of Allegiance.

Chairman Sonnenberg asked if there were any revisions for the agenda. Hearing none, Chairman Sonnenberg continued with consent agenda.

The Board continued with the Consent Agenda items:

- Approval of the Minutes of January 3, 2023.
- Acknowledge the receipt of the Landfill Supervisor's Report for the month of December 2022.
- Acknowledge the receipt of the Landfill Supervisor's cumulative reports for 2022.
- Acknowledge the receipt of the Sheriff's Fee Report for the month of December 2022.
- Acknowledge the receipt of the Treasurer's Fee Report for the month of December 2022.
- Acknowledge receipt of the Public's Trustee's Quarterly Report for the Fourth Quarter, 2022.

Commissioner McBride moved to approve the Consent Agenda. Commissioner Brownell seconded, and the motion carried 3-0.

Chairman Sonnenberg continued with Unfinished Business:

Chairman Sonnenberg opened a public hearing testimony phase of the meeting for Resolution 2022-30 granting a conditional use permit (CUP) #257 on behalf of Stratus Sterling LLC to operate an aggregate mining pit known as the Stratus Sterling LLC Pit in an industrial zone district located in the southeast quarter (SE1/4) of Section 32, Township 8 North Range 52 West of the 6th Principal Meridian, Logan County, Colorado.

- Roger Hollard of Stratus Company explained the project and citizen concerns that had been brought up at prior meetings.
- Tony Roberts of IHC Scott Company explained their company's operation concerning the project and possible future projects in the proposed area.
- Linda Gebauer listed her concerns to the board and asked a few questions concerning who is called and where does the buck stop with and how long do they have to wait for a response.
- Susan Michaels lives off CR 26 and asked a question about mitigation lighting controls for the site.
- Commissioner McBride read aloud two citizens that sent in written comments on the project.
- Carol Waterman who lives on CR 26, addressed the board about her concerns on the project which included: dust, drinking water wells, spraying for mosquitos in the summer and flood insurance.
- Brent Erickson of Performance Plus, which is adjacent property spoke in favor of the proposed project.
- Trae Miller of Logan County Economic Development reemphasized the project being in favor of economic development in that area and the potential for more development for that area being beneficial.
- Kevin Blankenship- Sterling City Manager spoke on behalf of the City Council and their support for the project.
- Andrew Fritzler spoke in support of the project.
- Tony Roberts of IHC Scott Company addressed the concerns that had been brought up during the public comment.
- Roger Hollard spoke on any future plans for the Sugar Factory.

Chairman Sonnenberg seeing no further public comments, closed the public hearing testimony phase.

Chairman Sonnenberg laid over Resolution 2022-30 definitely until January 31, 2023, at 9:30 a.m. granting a conditional use permit (CUP) #257 on behalf of Stratus Sterling LLC to operate an aggregate mining pit known as the Stratus Sterling LLC Pit in an industrial zone district located in the southeast quarter (SE1/4) of Section 32, Township 8 North Range 52 West of the 6th Principal Meridian, Logan County, Colorado.

Chairman Sonnenberg opened a public hearing testimony phase of the meeting for Resolution 2023-1 for Subdivision Exemption on behalf of Robert Mesch to create a tract three hundred (300) feet North and South and one hundred seventy (170) feet East and West from the Northeast corner of the tract six hundred twenty five (625) feet North and South and five hundred ninety-five (595) feet East and West the Northwest corner of the East half of the Northwest Quarter (E1/2NW1/4) of Section Thirty-Five (35), Township Seven (7) North, Range Fifty-Five (55) West of the Sixth Principal Meridian, Logan County, Colorado.

- Margo Sandstead Mesch explained her family's position on the property in question.
- Andy McClary, Attorney for the Mason family who is the adjacent property owner, does not object to the exemption, however they do object to the leach field being on their property possibly. He also explained the position of a trench to burn trees and the dirt still being on the Mason's land and has not been removed.
- Margo Sandstead Mesch explained the process of the tree removal and they will move the dirt as soon as weather permits and spoke about the Health Department inspection of the leach field and tank.
- Brandon Mason spoke about if the subdivision exemption is not granted, they don't get the well approved.
- Madison Hardman of Northeast Colorado Health Department spoke about the tank on the property and the unknown area of the leach field that is underneath the ground. She spoke on how the Health Department handles things like this concerning tanks and leach fields.
- Melvin Bustos of Northeast Colorado Health Department spoke about if the system fails and how the Health Department would handle that process moving forward after the failure.

Chairman Sonnenberg seeing no further public comments, closed the public hearing testimony phase.

Chairman Sonnenberg laid over Resolution 2023-1 definitely until January 31, 2023 at 9:30 a.m. for a Subdivision Exemption on behalf of Robert Mesch to create a tract three hundred (300) feet North and South and one hundred seventy (170) feet East and West from the Northeast corner of the tract six hundred twenty five (625) feet North and South and five hundred ninety-five (595) feet East and West the Northwest corner of the East half of the Northwest Quarter (E1/2NW1/4) of Section Thirty-Five (35), Township Seven (7) North, Range Fifty-Five (55) West of the Sixth Principal Meridian, Logan County, Colorado.

Chairman Sonnenberg continued with New Business:

Chairman Sonnenberg opened a public hearing testimony phase of the meeting for Resolution 2023-2 directing the allocation of Federal Mineral Leasing Funds received and held by the Logan County Treasurer. Chairman Sonnenberg seeing no public comments, closed the public hearing testimony phase.

Commissioner McBride moved to approve Resolution 2023-2 directing the allocation of Federal Mineral Leasing Funds received and held by the Logan County Treasurer. Commissioner Brownell seconded, and the motion carried 3-0.

Chairman Sonnenberg opened a public hearing testimony phase of the meeting for a contract between Logan County Tourism, Sterling, CO and DCS Limited, dba Mission2Market, Denver, CO. Chairman Sonnenberg seeing no public comments, closed the public hearing testimony phase.

Commissioner McBride moved to approve a contract between Logan County Tourism, Sterling, CO and DCS Limited, dba Mission2Market, Denver, CO and allow the Chairman to sign. Commissioner Brownell seconded, and the motion carried 3-0.

Commissioner McBride moved to approve a maintenance proposal for Security Electronics maintenance services at the Logan County Detention Center between Kubl Group and Logan County, Sterling, CO and allow the Chairman to sign. Commissioner Brownell seconded, and the motion carried 3-0.

Chairman Sonnenberg opened a public hearing testimony phase of the meeting for a letter of agreement between Logan County and Lauer Szabo and Associates, PC for the audit of the financial statements for the year ended December 31, 2022. Chairman Sonnenberg seeing no public comments, closed the public hearing testimony phase.

Commissioner McBride moved to approve a letter of agreement between Logan County and Lauer Szabo and Associates, PC for the audit of the financial statements for the year ended December 31, 2022 and allow the Chairman to sign. Commissioner Brownell seconded, and the motion carried 3-0.

The Board of Commissioners made the following appointments:

- Chairman of the Board – Jerry Sonnenberg
- Vice Chairman of the Board – Joe McBride
- Administrative Officer to the Board of County Commissioners/Human Resources –Diana Korbe
- County Attorney – Alan Samber
- Attorney for Human Services – Kimberlee Keleher
- Budget Officer – Debbie Unrein
- Emergency Management Coordinator – Jerry Casebolt
- Veteran’s Service Officer – John Haynie
- Fair Manager – Guy McEndaffer
- Fair Administrative Assistant – Faith Blankenship
- Fair Board Livestock Exhibitor – Aaron Hettinger
- Fair Board Rodeo – John Korrey
- Centennial Mental Health Board – Dave Long
- Northeast Colorado Health Department Board – Mike Brownell
- South Platte Regional Transportation Authority – Joe McBride and Mike Brownell
- Northeast Colorado Association of Local Governments – Primary: Jerry Sonnenberg
- Northeast Colorado Association of Local Governments – Alternate: Mike Brownell
- Board of Adjustment – Joe McBride
- Board of Adjustment – Alternate: Jerry Sonnenberg
- Logan County Economic Development – Jerry Sonnenberg
- Logan County Lodging Tax Board – Joe McBride
- Chamber of Commerce Board – Joe McBride
- CTSI: Workers Compensation Pool Board Member – Mike Brownell
- CTSI: Casualty & Property Insurance Pool – Joe McBride
- CTSI: County Health Pool – Primary – Diana Korbe
- CTSI: County Health Pool Alternate – Mike Brownell
- Official County Newspaper – Journal – Advocate

Chairman Sonnenberg opened a public hearing testimony phase of the meeting for the 2023 Logan County Board appointments and assignments. Chairman Sonnenberg seeing no public comments, closed the public hearing testimony phase.

Chairman Sonnenberg opened a public hearing testimony phase of the meeting for the 2023 Logan County Board appointments and assignments. Chairman Sonnenberg seeing no public comments, closed the public hearing testimony phase.

Commissioner McBride moved to adopt the 2023 Logan County Board appointments and assignments. Commissioner Brownell seconded, and the motion carried 3-0.

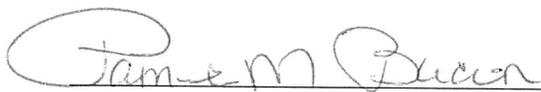
Other Business

Applications are being accepted for volunteers to serve on the following County advisory boards: Lodging Tax Board and Planning Commission. Any Logan County resident interested in serving on one of these advisory boards, should complete an application available at the Commissioner's Office or on the county website: www.logancounty.colorado.gov. Applications are due by 5:00 p.m., January 27, 2023.

The next regular meeting will be scheduled for Tuesday, January 31, 2023, at 9:30 a.m. at the Logan County Courthouse.

There being no further business to come before the Board, the meeting adjourned at 11:11 a.m.

Submitted by:



Logan County Clerk

Approved: January 31, 2023

BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

(seal)

By: _____
Jerry A. Sonnenberg, Chairman

Attest:

Logan County Clerk & Recorder

Clerk Fees Collected 2022

December

	<u>2021</u>	<u>2022</u>	
<u>Recording Fees Retained</u>	42,797.39	35,519.08	
<u>Motor Vehicle Fees Retained</u>	258,780.05	256,837.73	
Total \$	301,577.44	\$ 292,356.81	\$9,220.63

Fees & Taxes Distributed

State of Colorado	188,548.21	180,587.10	
City of Sterling	36,406.21	29,370.44	
Town of Fleming	1,333.80	318.90	
Total \$	226,288.22	\$ 210,276.44	\$16,011.78

Fees Retained Year to Date

\$3,919,766.92

Submit to Local Licensing Authority

**SPURZ GRILL INC
 4333 HIGHWAY 63
 Atwood CO 80722**

Fees Due	
Renewal Fee	550.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$550.00

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name SPURZ GRILL INC		Doing Business As Name (DBA) SPURZ GRILL INC	
Liquor License # 03-11080	License Type Hotel & Restaurant (county)		
Sales Tax License Number 326974920001	Expiration Date 02/25/2023	Due Date 01/11/2023	
Business Address 4333 HIGHWAY 63 Atwood CO 80722			Phone Number 9705227122
Mailing Address 4333 HIGHWAY 63 Atwood CO 80722		Email management@spurzgrill.com	
Operating Manager Paul Gittere	Date of Birth 4-6-66	Home Address 47059 Hwy 63 Atwood CO 80720	Phone Number 9705227122
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No

Affirmation & Consent		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business	Title	
<i>Paul Gittere</i>	<i>President</i>	
Signature	Date	
<i>Paul Gittere</i>	<i>1-24-2023</i>	
Report & Approval of City or County Licensing Authority		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.		
Therefore this application is approved.		
Local Licensing Authority For	Date	
Signature	Title	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, Paul Gittere am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Spurz Grill (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Spurz Grill</u>		Social Security Number/Tax Identification Number <u>82-481-8203</u>	
Address <u>4333 Hwy 63</u>			
City <u>Atwood</u>		State <u>CO</u>	Zip <u>80722</u>
Home Phone Number <u>970 522 7122</u>		Business/Work Phone Number	
Printed name of person signing on behalf of the Applicant/Licensee <u>Paul Gittere</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Paul Gittere</u>			Date signed <u>1-23-2023</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

RESOLUTION

NO. 2022- 30

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP) #257 TO OPERATE AN AGGREGATE MINING PIT KNOWN AS THE STRATUS STERLING LLC PIT IN AN INDUSTRIAL ZONE DISTRICT LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 52 WEST OF THE 6TH PRINCIPAL MERIDIAN, LOGAN COUNTY, COLORADO.

WHEREAS, Stratus Sterling, LLC is requesting a Conditional Use Permit #258, to operate a sand and gravel mining pit known as the Stratus Sterling LLC Pit located in the Southeast Quarter (SE1/4) of Sections 32 and 33, Township 8 North, Range 52 West of the 6th Principal Meridian, Logan County, Colorado; and

WHEREAS, on October 18, 2022 a public hearing of the Logan County Planning Commission was held to consider the request of Conditional Use Permit #257 for the Board of County Commissioners of Logan County to operate a aggregate mining pit in an Agricultural Zone District, on the above described property; and

WHEREAS, notice of the public hearing was properly published and posted on the subject property; and

WHEREAS, on January 31, 2023, a public hearing of the Board of County Commissioners was held to consider the application for a Conditional Use Permit to operate a sand and gravel mining pit and the Board reviewed the application, supporting materials and heard the statements of interested persons.

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

I. APPROVAL:

The application of the Board of County Commissioners for a Conditional Use Permit #257 to operate a sand and gravel mining pit known as the Stratus Sterling LLC on the above described premises, is GRANTED, subject to the conditions set forth below.

II. FINDINGS OF FACT:

The proposed use on the described site is compatible with existing land uses in the area, which is zoned Industrial District with a Conditional Use Permit required for operating a sand and gravel mining pit.

III. CONDITIONS:

1. The permit shall be for a term of ninety-nine (99) years on the identified and approved Conditional Use Permit #257. The use permitted must remain in ongoing compliance with the Logan County Zoning Resolution and all other Federal, State and local rules and regulations. Periodic reviews for ongoing compliance with such regulations shall be conducted every five (5) years. If any changes, such as alterations or enlargements occur to the Conditional Use Permit identified and approved herein, the applicant shall be responsible for seeking and obtaining separate approval of a permit and term of approval for those proposed changes.
2. The permit is limited to the operation of a aggregate mining pit on the site.

3. The aggregate mining pit shall remain in continued compliance with all applicable Federal, State (including the State of Colorado Department of Natural Resources, Division of Mining, Reclamation and Safety), and County regulations.
4. The Board of County Commissioners retains continuing jurisdiction over the permit to address future issues concerning the site and to insure compliance with the conditions of the permit. The applicant is responsible for complying with all of the foregoing conditions of the permit. Noncompliance with any of the conditions may be cause for revocation of the permit.
5. Before commencing operations, the applicant shall obtain a mining permit from the Colorado Department of Natural Resources, Division of Mining, Reclamation and Safety (and any other federal or state agency), and strictly comply with all requirements and conditions of such permits(s).

Done this 31st day of January, 2023

LOGAN COUNTY BOARD OF COMMISSIONERS
LOGAN COUNTY, COLORADO

Byron H. Pelton, Chairman (Aye) (Nay)

Jane E. Bauder, Vice-Chairman (Aye) (Nay)

Joseph A. McBride, Commissioner (Aye) (Nay)

I, Pamela M. Bacon, County Clerk and Recorder in and the County of Logan, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the Board of County Commissioners of the County of Logan and State of Colorado, in regular session on the 31st day of January, 2023.

County Clerk and Recorder

LOGAN COUNTY CONDITIONAL USE PERMIT APPLICATION

AS REQUIRED BY THE LOGAN COUNTY ZONING RESOLUTION

Applicant:

Name: Stratus Sterling LLC Phone: 303-726-2147
 Address: 8480 E. Orchard Road, ste 1100, Greenwood Village
 Email: RGHollard@gmail.com CO, 80111

Landowner:

Name: Stratus Sterling LLC/Sterling Rail LLC Phone: 303-726-2147
 Address: 8480 E. Orchard Road, ste 1100, Greenwood Village Co, 80111

Description of Property:

Legal: pt of Sections 32 & 33 1/4 Section _____ Section _____ Township 8N Range 52W
 Address: 19727 factory st. Sterling Access off CR or Hwy: SEE attached Legal & Survey
 New Address Needed: Y or N Subdivision Name: CO 80751 N/A
 Filing _____ Lot _____ Block _____ Tract _____ Lot Size _____

Current Zoning: AG Current Land Use: AG/Industrial - rail

Proposed Conditional Use:
Aggregate Mining - excavation, crushing, stockpile, removal & future water storage pits

Terms of Conditional Use:
Mining to commence Summer 2022 and continue until completion, current estimate is 10-15 years

Building Plans:
See the attached Phase Map - approved state permit shall be provided at time of state approval

I, (We), hereunto submit this application for a Conditional Use Permit to the Board of County Commissioners, together with such plans, details and information of the proposed conditional use. I, (We), further understand that the Board of Logan County Commissioners may, in addition to granting a Conditional Use Permit, impose additional conditions to comply with the purpose and interest of the Logan County Zoning Resolutions and Zoning Map.

Dated at Sterling, Colorado, this 22nd day of June 2022

Signature of Applicant: [Signature] Roger Hollard - Authorized Agent

Signature of Landowner: [Signature] " " " "

Stratus Sterling LLC

Conditional Use Permit

CUP2022-257 August 2022

32 & 33 of 8N-52W

LOGAN COUNTY CONDITIONAL USE PERMIT APPLICATION

COUNTY USE ONLY

Application Fee: (\$100.00) Date: _____ Receipt #: _____

Date of Planning Commission Meeting: _____

Recommendation of Planning Commission: _____ Approval _____ Denial

Recommended Conditions of the Conditional Use Permit:

Chairperson
Logan County Planning Commission

COUNTY COMMISSIONERS ACTION:

Conditions of the Conditional Use Permit:

Date Granted: _____

Date Denied: _____

Jerry A. Sonnenberg (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Mike Brownell (Aye) (Nay)



LOGAN COUNTY CONDITIONAL USE PERMIT APPLICATION

COUNTY USE ONLY

Application Fee: (\$100.00) Date: _____ Receipt #: _____

Date of Planning Commission Meeting: _____

Recommendation of Planning Commission: X Approval _____ Denial _____

Recommended Conditions of the Conditional Use Permit: The condition is to re-appear after state permit has been acquired for final review. _____



Chairperson
Logan County Planning Commission

COUNTY COMMISSIONERS ACTION:

Conditions of the Conditional Use Permit:

Date Granted: _____

Date Denied: _____

Byron H. Pelton (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)

Stratus Sterling LLC
Conditional Use Permit
CUP2022-257 November 2022
32 & 33 of 8N-52W

December 15, 2022

Logan County Board of County Commissioners

RE: Stratus Sterling Gravel Pit CUP

Dear Logan County Board of County Commissioners:

The Logan County Economic Development Corporation Board of Directors would like to officially issue a letter of support for the Conditional Use Permit application by Stratus Sterling for a gravel pit at the former Great Western Sugar Factory site. Understanding there have been some concerns presented to the BOCC, the LCEDC Board wanted to send positive support to be considered as well.

The LCEDC Board has engaged in multiple conversations over the years that involve the property and the industrial opportunities the site represents; however, a constant challenge has always been site ownership. With the new ownership comes many future opportunities for industrial growth that can generate tax revenue and employment for the County.

With this project there will be opportunities for new rail infrastructure at a site that is zoned Heavy Industrial and offers one of the few locations in the state with dual service by both Class 1 railroads via the UPRR and BNSF.

Additionally, other project conversations are occurring in relation to this site and project, but without the Conditional Use Permit to allow the base activity of the project to take place, the other possibilities will be limited.

We, the LCEDC Board, asks that the Board of County Commissioners consider the positive economic potential that can come from this project. Thank you for your consideration on this topic.

Thank you for your consideration.

Sincerely,

Richard Powell

Richard Powell –Board Vice President
Logan County Economic Development Corporation

*Abstaining from this letter due to potential conflict of interest:

-Tom Kiel-LCEDC Board President and LC Planning Commission member
-Joe McBride

**STRATUS STERLING LLC
1842 MONTANE DRIVE EAST
GOLDEN CO 80401**

July 12, 2022

Logan County Planning

Re: Stratus Sterling Conditional Use Permit - narrative

To whom it may concern:

Please be advised that Stratus Sterling LLC is applying for a Conditional Use Permit to allow for the mining and removal of sands, gravels, and related aggregates from the property. Please refer to the attendant permit application for additional details.

Stratus Sterling is working with IHCSScott, a general construction contractor to remove the aggregate. They intend to commence their operations immediately upon approval from Logan County for the conditional use permit, and approval from the state for the appropriate mining permit.

The material will be extracted using conventional mining technics. This operation will be a wet mining operation that will require a barge with a sand screw. This will be performed in compliance to all state and local regulations.

This material will be sold locally and be produced to ship outside of the area for construction projects. This material will be transported with trucks for local delivery and once rail is established it will be shipped with rail.

The pit will produce roughly 250,000 tons of material yearly until rail is established and then the pit will raise production to roughly 500,000 tons a year.

All reclamation will be performed per state a local regulation. This will include all slopes to be a min if three to ones that are vegetated above the water table once mining is completed. This will also comply with DRMS permit that is required for a mining operation.

The life of this pit should be roughly 10 years. Once the mining operation is completed the area will be fully reclaimed and then be converted to water storage potentially.

Initially the operation will require the establishment of adequate methodology to mine and move the material onsite to an operational node which will be used to prepare the materials for transport from the property. The operation will include size gradient operations and techniques, which could include crushing.

Once the material is prepared for transport from the property the contractor shall initially commence removal via truck transport. Concurrent with this application Stratus Sterling and the contractor are working with UPRR and BNR to establish a track license to remove the material from the property by rail.

At this time we understand that there is other permits that must be issued prior to any operations taking place and we are asking for a conditional approval at this time. Once that is granted, we will apply and comply will all requirements prior to any mining operation commencing on the site.
Thank you,

Roger G Hollard

Roger G Hollard
Authorized Agent for Stratus Sterling LLC

Ex-1

10-20-22

Dear Logan County Commissioners,

I was unable to attend the October 16, 2022 Logan County Planning Commission meeting. I have concerns about the property at 8480 E. Orchard Road zoned for agriculture changing to a conditional use of aggregate mining.

If this request is approved approximately 200 acres would no longer be used for agriculture production and would become a gravel pit. I do understand that the county would be able to tax the aggregate.

We are an agriculture community. Yes, we have gravel pits in the community, but not of this size or proximity to our town with a busy public road running through the middle of it. The gravel pits we currently have provide aggregate for projects in the area. The proposed pit would move the majority of its commodity out of the area for no benefit here other than tax revenue. I have not heard about any full time jobs being created.

The intersection of Highway 6 and County Road 26 is a big problem now. The crossing is not wide enough first. You have to make an angle turn while on the crossing. The distance between Highway 6 and the Union Pacific Main Line is too short for a truck to pull off of Highway 6. This group is saying they may move up to 500,000 tons per year. If my math is correct that is over 4,000 rail cars per year.

That could be nearly a train per week if they work year around. Possibly 2 per week if they cannot work in the winter. I see the issues of coming off a spur in this facility on to the siding and then on to the main line as being a big problem for that intersection. To complicate the issue, you have a convergence of electrical overhead lines at this point. The possibility of a major train vehicle accident at this location that take down major electrical lines is real.

I am concerned about the silicon sand dust being put into the air from this operation. Our prevailing wind in this area is from the southeast. That means that the dust is moving towards town, a park where people walk and play, and nursing home. The nursing home is less than a quarter mile from this operation. Within another quarter mile you have the hospital. Silicon sand has a link to lung cancer.

You have County Road 26 running alongside this facility and then through it. Keeping people out of these ponds is going to be an issue. Right below this proposed sand pit is the cities hiking area and new fishing ponds. Gravel pits are a very dangerous area to swim in let alone be close to.

Who is going to maintain this area in 10 to 15 years when this company is done mining and gone. This is almost 200 acres. This area cannot be reclaimed. When they are done it will be an abandoned gravel pit.

Lastly, I have all kinds of environmental concerns. The silica dust coming from this operation is a carcinogenic. The open pits lay in a flood plain with over half of this land had running flood water moving over it in 2013. How much risk does this bring to our aquifer where we get the water to use in our homes in this area? The effect on our local wildlife, deer, wild turkey, vulgar, and many more is very real.

If I was to build a preschool/daycare on my 3 acres across the street from this proposal and use USDA financing I would have to do a thorough environmental impact study. Why is this company not having to address these issues? Why has the entire community not been informed about this zoning request? I think more of the community should be involved before a decision is made. I hope all of my concerns will be addressed.

Sincerely,

Randy Stahley

Stratus Sterling LLC
Conditional Use Permit
CUP2022-257 August 2022
32 & 33 of 8N-52W



RESIDENTIAL

STRATUS STERLING / HICSCOTT COND. USE PERMIT - PLOT PLAN

RES. / AG

RESOLUTION

NO. 2023-1

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF LOGAN, STATE OF COLORADO**

SUBDIVISION EXEMPTION FOR ROBERT MESCH.

WHEREAS, Section 30-28-101 (10)(d), C.R.S., as amended, authorizes the Board of County Commissioners pursuant to resolution to exempt from the detailed requirements of the Logan County Subdivision Regulations any division of land if the Board of County Commissioners determines that such division is not within the purposes of the statutory provisions governing land division; and

WHEREAS, Robert Mesch, has applied for an exemption from the Logan County Subdivision Regulations with reference to a proposed parcel to be created which is legally described as follows:

A tract three hundred (300) feet North and South and one hundred seventy (170) feet East and West from the Northeast corner of the tract six hundred twenty five (625) feet North and South and five hundred ninety-five (595) feet East and West the Northwest corner of the East half of the Northwest Quarter (E1/2NW1/4) of Section Thirty-Five (35), Township Seven (7) North, Range Fifty-Five (55) West of the Sixth Principal Meridian, Logan County, Colorado.

(As represented on official Subdivision Exemption Plat 2023-1); and

WHEREAS, Robert Mesch, intends to create a parcel, consisting of 1.17 acres, more or less, subdivided from a 430.00 acre parcel in an Agricultural (A) zone district, for use as a residence; and

WHEREAS, the Logan County Planning Commission recommended approval of the application after reviewing the application, studying the staff review, and reviewing the proposed plat on December 20, 2022; and

WHEREAS, a public hearing was held by the Board of County Commissioners on January 31, 2023 at which time the Board reviewed the application and any exhibits, and heard the comments of the staff and any interested parties; and

WHEREAS, based on the application, supporting information, comments of staff and testimony of any interested persons, the Board finds as follows:

1. That the exemption is consistent with, and conforms to the Logan County Zoning Resolution and Subdivision Regulations.
2. That the exemption relates to a division of land that is determined not to be within the purpose of C.R.S. 30-28-101, et. seq.
3. That legal and physical access is provided to the parcel by enforceable public rights-of-way or recorded easements, and the size, location and availability of essential services to the proposed parcel are reasonable, appropriate and customary for the intended use.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Logan County, Colorado, that the application by Robert Mesch, for a Subdivision Exemption for the creation of a 1.17 acre parcel, more or less, in the unincorporated area of Logan County, as described above and as represented on official Subdivision Plat 2023-1, is hereby approved, provided that no further subdividing of the above described parcel shall occur without the prior approval of the Board of County Commissioners. To the extent that residential use is contemplated, the Applicant is responsible for obtaining any required sewage disposal permits from the Northeast Colorado Health Department and for complying with its regulations.

DONE on Tuesday, this 31st day of January, 2023.

BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

(Aye)(Nay)
Jerry A. Sonnenberg, Chairman

(Aye)(Nay)
Joseph A. McBride, Vice-Chairman

(Aye)(Nay)
Mike Brownell, Commissioner

I, Pamela M. Bacon, County Clerk and Recorder in and for the County of Logan, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the Board of County Commissioners of the County of Logan and State of Colorado, in regular session on this 31st day of January, 2023.

County Clerk and Recorder

FORM 7. APPLICATION FOR SUBDIVISION EXEMPTION PLAT APPROVAL

(To be filed in duplicate)

(Incomplete Applications will not be accepted)

Date 24 OCTOBER 2022

1. Name of Subdivision Exemption _____

2. Name of Applicant **ROBERT W MESCH** _____ Phone **720.971.1489** _____

Address **213 FREMONT AVENUE** **FORT MORGAN, COLORADO 80701**

(Street No. and Name) (Post Office) (State) (Zip Code)

3. Name of Local Agent **NA** _____ Phone _____

Address _____

(Street No. and Name) (Post Office) (State) (Zip Code)

4. Owner of Record **ROBERT WILLARD MESCH** Phone **SAME** _____

Address **SAME** _____

(Street No. and Name) (Post Office) (State) (Zip Code)

5. Prospective Buyer **NA** _____ Phone _____

Address _____

(Street No. and Name) (Post Office) (State) (Zip Code)

6. Land Surveyor **LEIBERT-MCATEE & ASSOCIATES** Phone **970.522.1960** _____

Address **615 10TH AVE** **STERLING, COLORADO 80751**

(Street No. and Name) (Post Office) (State) (Zip Code)

7. Attorney **NA** _____ Phone _____

Address _____

(Street No. and Name) (Post Office) (State) (Zip Code)

8. Subdivision Exemption Location: **SEC 35 T7N R55W A TRACT THREE HUNDRED (300) FEET NORTH AND SOUTH AND ONE HUNDRED SEVENTY (170) FEET EAST AND WEST FROM THE NORTHEAST CORNER OF THE TRACT SIX HUNDRED TWENTY-FIVE (625) FEET NORTH AND SOUTH AND FIVE HUNDRED NINETY-FIVE (595) FEET EAST AND WEST IN THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER (E1/4NW1/4) OF SECTION THIRTY-FIVE (35), TOWNSHIP SEVEN (7) NORTH, RANGE FIFTY-FIVE (55) WEST OF THE SIXTH PRINCIPAL MERIDIAN, LOGAN, COUNTY, COLORADO.**

Also known as: 4396 county road 16, Merino, CO 80741

9. Postal Delivery Area **MERINO, COLORADO** School District **BUFFALO RE-2J (LOGAN COUNTY)**

10. Total Acreage **1.17** Zone _____ Number of Lots **1**

11. Tax Map Designation: **A PARCEL OF LAND IN E2NW4 DESC AS FOLLOWS; COMM AT NW COR OF E2NW4; TH E 425'; TO TPOB; TH E 170'; TH S300'; TH W 170'; TH N 300'; TO POB 35-07-55**

12. Has the Board of Zoning Appeals granted variance, exception, or conditional permit concerning this property?

If so, list Case No. and Name _____

13. Is Deed recorded in Torrens System: **NO** _____

14. Is Deed recorded in General System: Book **01048** Page **443**

15. Current Land Use: **4147 GRAZING AG LAND (PREVIOUS HOMESITE)**

Robert Mesch
Subdivision Exemption
SE 2022-7 December 2022
35-07-55

16. Proposed Use of Each Parcel: RESIDENTIAL

17. Proposed Water and Sewer Facilities:

WATER: RESIDENTIAL WELL, (STATE REQUIRES A "SUBDIVISION EXEMPTION" BEFORE THEY CAN ISSUE A PERMIT)

SEWER FACILITIES: LOGAN COUNTY HEALTH DEPARTMENT HAS APPROVED THE USE OF THE CURRENT SEPTIC TANK AND LEACH FIELD. 19 JULY 2022 CC LETTER TO PLANNING AND ZONING.

18. Proposed Public Access to each new parcel:

ACCESS ON LC R16 TO PROPERTY HAS BEEN IN EXISTANCE SINCE 1974

19. Reason for request of this exemption (may use additional pages):

LOGAN COUNTY PLANNING/ZONING REGS

THE SUBDIVISION EXEMPTION IS NECESSARY TO ACQUIRE A STATE PERMIT FOR A RESIDENTIAL/DOMESTIC WELL.

I WANT TO PLACE A NEW MANUFACTURED HOME ON THIS PARCEL FOR MY PERSONAL USE.

HISTORY: MY PARENTS MOVED TO THIS PROPERTY IN 1974 WHEN I WAS 3 MONTHS OLD. THIS PARCEL IS THE LAST OF MY GREAT GRANDPARENT'S HOMESTEAD.

List all contiguous holdings in the same ownership: **NONE**

Section/Township/Range _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded with the Logan County Clerk and Recorder. This affidavit shall indicate the legal owner of the property; the contract owner of the property, and the date the Contract of Sale was executed. **IN THE EVENT OF CORPORATE OWNERSHIP:** A list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached [this need only be provided if Developer is requesting special assessment financing, the formation of improvement district(s) or benefit district(s)].

The applicant hereby consents to the provisions of Article 8.2 A&B of the Logan County Subdivision Regulations.

STATE OF COLORADO

) SS:

COUNTY OF LOGAN

Robert W. Mesch hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.


(Applicant Signature) **ROBERT W MESCH**

213 FREMONT AVENUE
FORT MORGAN, COLORADO 80701



MY COMMISSION EXPIRES: 12-7-25

DANA SHERMAN
Notary Public
State of Colorado
Notary ID # 20174050229
My Commission Expires 12-07-2025

Robert Mesch
Subdivision Exemption
SE 2022-7 December 2022
25-07-55

FOR COUNTY USE

Application Fee: One Hundred (\$100.00) and Thirteen (\$13.00) separate check for recording fee. Date of Planning Commission: _____

Recommendation of Planning Commission: _____ Approval _____ Denial

Recommended Conditions of Subdivision Exemption:

Chairperson, Planning Commission

COUNTY COMMISSIONERS ACTION:

Conditions of Subdivision Exemption:

Date Granted: _____

Date Denied: _____

Jerry A. Sonnenberg (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Mike Brownell (Aye) (Nay)



FOR COUNTY USE

Application Fee: One Hundred (\$100.00) and Thirteen (\$13.00) separate check for recording

fee. Date of Planning Commission: _____

Recommendation of Planning Commission: Approval _____ Denial

Recommended Conditions of Subdivision Exemption:

The adjacent landowners will not be held responsible for the cost of damages to the leech field and the dirt pile will be cleaned up within 90 days.

[Signature]
Chairperson, Planning Commission

COUNTY COMMISSIONERS ACTION:

Conditions of Subdivision Exemption:

Date Granted: _____

Date Denied: _____

Byron H. Pelton (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)