

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
May 6, 2025

As reflected in posted agenda:

To participate in the Citizen’s Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83568100139> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday May 5, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83568100139> listen via phone, please dial: 1-312-626-6799, Meeting ID: 835 6810 0139

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83568100139> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 835 6810 0139

The Board of Morgan County Commissioners met Tuesday, May 6th, 2025 at 9:00 a.m. with Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt. Chairman Becker asked Pete Wagner to lead the meeting in the Pledge of Allegiance.

CITIZEN’S COMMENT

There was no citizen comment provided.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated April 22, 2025.
2. Ratify Chairman Jon Becker’s signature on **Stormwater Inspection Form**, dated April 28, 2025.
3. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 034 Tyler Technologies/Chase Bank**, Term of Contract May 6, 2025 until terminated.
4. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 035 Tiffany Holguin dba Great Plains Glass Company**, Term of Contract April 21, 2025 through July 31, 2025.
5. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 036 Industrial Communications West, LLC**, Term of Contract March 1, 2025 through February 28, 2027.
6. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 037 CliftonLarsonAllen, LLP**, Term of Contract May 12, 2025 until terminated.
7. Ratify the Board of County Commissioners approval of **Memorandum of Understanding 2025 MOU 002, Banner Health, an Arizona nonprofit corporation, dba East Morgan County Hospital**, Term of MOU September 17, 2025 through September 17, 2028.
8. Ratify Chairman Jon Becker’s signature on **April 2025 Morgan County Warrants**, signed May 6, 2025.

At this time, Commissioner Bernhardt made a motion to approve items 1-8 as presented with Commissioner Malone seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of approval - Resolution 2025 BCC 19, A Resolution amending the Morgan County Personnel Manual concerning payment of compensation upon a death of an employee

MORGAN COUNTY, COLORADO
BOARD OF SOCIAL SERVICES

RESOLUTION 2025 BCC 19

A RESOLUTION AMENDING THE MORGAN COUNTY PERSONNEL MANUAL
CONCERNING PAYMENT OF COMPENSATION UPON A DEATH OF AN
EMPLOYEE

WHEREAS, Morgan County is not subject to the Colorado Wage Act, C.R.S. § 8-4-101 *et seq.*, and therefore, does not have a process to make final payment of compensation upon the death of an employee; and

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WHEREAS, the Board desires to amend the Morgan County Personnel Manual to provide a process to make final payment of compensation upon the death of employee.

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

Section 1. The Morgan County Personnel Manual shall be amended by the addition of the following language to Section 1, N, Separation from County Employment, to read as follows:

If separation from employment is caused by the death of an employee and the County owes compensation to the deceased employee, and no personal representative of the employee's estate has been appointed by the first pay date after the employee's death, the County shall pay the employee's compensation to the deceased employee's surviving spouse. If there is no surviving spouse, the County shall pay the amount due to the deceased employee's next legal heir upon the request of such heir. If a personal representative has been appointed and is known to the County, the County shall pay the amount due to such personal representative upon the request of such representative.

The County shall require a copy of the death certificate and proof of the party's relationship to the deceased employee by affidavit. Any claimant shall be required to provide a written acknowledgment of receipt of any payment. Any payments made by the County shall operate as a full and complete discharge of the County's indebtedness to the extent of the payment, and the County shall not be liable to the deceased employee's estate or to the deceased employee's personal representative.

DATED this 6th day of MAY, 2025.

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

s/Jon J. Becker
Jon J. Becker, Chairman

s/Timothy A. Malone
Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

Commissioner Malone presented to the Board for approval Resolution 2025 BCC 19, a Resolution amending the Morgan County Personnel Manual concerning payment of compensation upon a death of an employee. Chairman Becker noted that this is to clean up the employee manual upon the death of an employee and where to send employee benefits.

Commissioner Malone made a motion to approve Resolution 2025 BCC 19 a Resolution amending the Morgan County Personnel Manual concerning payment of compensation upon a death of an employee, as presented. Commissioner Bernhardt seconded the motion. At this time, the motion carried 3-0.

Consideration of approval - Resolution 2025 BCC 20, A Resolution delegating contracting authority to the Director of the Morgan County Department of Human Services

**MORGAN COUNTY, COLORADO
BOARD OF SOCIAL SERVICES**

RESOLUTION 2025 BCC 20

**A RESOLUTION DELEGATING CONTRACTING AUTHORITY TO THE DIRECTOR
OF THE MORGAN COUNTY DEPARTMENT OF HUMAN SERVICES**

WHEREAS, pursuant to C.R.S.§ 26-1-116, the Morgan County Board of Social Services has authority over contracts necessary for the Morgan County Department of Human Services; and

WHEREAS, the Board desires to delegate that authority to the Director of the Department of Human Services, as provided herein, to ensure the efficient and successful operation of the Department.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SOCIAL SERVICES OF MORGAN COUNTY, COLORADO:

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Section 1. The Director of the Morgan County Department of Human Services has authority to execute contracts on behalf of the Morgan County Department of Human Services with the exception of contracts that state or federal authorities require to be approved by the Board of Social Services. The Director may forward any contracts to the Board despite the delegation of authority in this Resolution. The Board of Social Services may request the Director report on any contracts executed pursuant to this Resolution. In the absence of the Director, the Deputy Director may execute the authority granted pursuant to this Resolution. All warrants for the Department must be approved by the Board.

DATED this 6th day of MAY, 2025.

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

s/Jon J. Becker
Jon J. Becker, Chairman

s/Timothy A. Malone
Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

Commissioner Bernhardt presented to the Board for approval Resolution 2025 BCC 20, a Resolution delegating contracting authority to the Director of the Morgan County Department of Human Services. He explained that this allows the Director of Human Services to have contracting authority.

Commissioner Bernhardt made a motion to approve Resolution 2025 BCC 20 a Resolution delegating contracting authority to the Director of the Morgan County Department of Human Services, as presented. Commissioner Malone seconded the motion. At this time, the motion carried 3-0.

Consideration of approval - Resolution 2025 BCC 21, A Resolution adopting Morgan County’s Right to Farm Policy

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

RESOLUTION NO. 2025 BCC 21

A RESOLUTION ADOPTING MORGAN COUNTY’S RIGHT TO FARM POLICY

WHEREAS, through Resolution 96 BCC 41, the Board of County Commissioners adopted the County’s Right to Farm Policy and further amended the policy through Resolution 2008 BCC 34; and

WHEREAS, the Board of County Commissioners desires to update the County’s Right to Farm Policy.

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

1. The Morgan County Right to Farm Policy attached hereto as Exhibit A is adopted. All previous versions of the policy are hereby rescinded.
2. County Planning and Building staff are directed to provide and require execution of the policy by owners pursuant to the County’s Zoning, Subdivision, and Building regulations.
3. A copy of the updated policy shall be provided to all real estate professionals doing business in Morgan County for distribution to potential purchasers of real property within the County.

DATED this 6th day of May, 2025.

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

s/Jon J. Becker

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Jon J. Becker, Chairman

s/Timothy A. Malone
Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

Commissioner Malone presented to the Board for approval Resolution 2025 BCC 21, a Resolution adopting Morgan County’s Right to Farm Policy.

Commissioner Bernhardt noted that Morgan County has had a Right to Farm Policy but this just fixes some things in it.

Chairman Becker explained that this would give more knowledge to citizens when buying a home about what’s expected in a farming community.

Commissioner Malone made a motion to approve Resolution 2025 BCC 21 a Resolution adopting Morgan County’s Right to Farm Policy, as presented. Commissioner Bernhardt seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval – Proclamation, Foster Care Month, May 2025

Carrie Schmeeckle from the Department of Human Services, presented the proclamation to the Board and read aloud the proclamation.



Foster Care Month Proclamation

WHEREAS, children are key to the state’s future success, prosperity and quality of life;

WHEREAS, children have a right to thrive, learn and grow;

WHEREAS, foster parents provide the love, safety and stability that young children need in order to overcome past traumatic experiences in order to reach their full potential;

WHEREAS, Colorado foster parents are caring for and nurturing more than 2,000 children and youth in foster care today;

WHEREAS, we must come together as a community to recognize the important role foster parents play in caring for children who have experienced abuse and neglect, supporting family reunification and building strong communities;

WHEREAS, there is always a need for more foster parents in order to ensure children – especially older youth, children with complex needs, and siblings - have a safe, stable home in their community;

WHEREAS, there are numerous individuals, nonprofit organizations and public servants who are dedicated to raising awareness about the needs of children and youth in foster care as well as the invaluable contribution of foster parents;

Therefore, we do hereby proclaim May 2025, Foster Care Month.

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

s/Jon J. Becker
Jon J. Becker, Chairman

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s/Timothy A. Malone
Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

(SEAL)
ATTEST:
s/ Kevin Strauch
Kevin Strauch

Commissioner Bernhardt noted that there are never enough foster parents and that being a foster parent is a very hard job and that not everyone can handle it.

Chairman Becker thanked Ms. Schmeeckle for her work and all foster parents for their work.

At this time, Commissioner Bernhardt made a motion to adopt the proclamation declaring May 2025 as Foster Care Month in Morgan County, as presented by Carrie Schmeeckle from the Department of Human Services, with Commissioner Malone seconding the motion. The motion carried 3-0.

Consideration of approval - Contract Amendment Number 4, Colorado Department of Human Services Behavioral Health Administration, Jail Based Behavioral Health Services

Dave Martin, Morgan County Sheriff presented to the Board for approval a Contract Amendment Number 4, Colorado Department of Human Services Behavioral Health Administration, Jail Based Behavioral Health Services. Sheriff Martin stated that this is a contract through the State of Colorado. He noted that this is pass through money. He explained that it is for mental health and substance abuse help for incarcerated people. He stated that while Morgan County supplies this service, it will be required by the state in July of 2026. Sheriff Martin noted that this program does help with the people who need it.

At this time, Commissioner Malone made a motion to approve a Contract Amendment Number 4, Colorado Department of Human Services Behavioral Health Administration, Jail Based Behavioral Health Services, as presented by Dave Martin, Morgan County Sheriff, with Commissioner Bernhardt seconding the motion. The motion carried 3-0.

Consideration of approval – A first Amendment to 2024 CNT 107, Shea Carr & Jewell, Inc., dba SCJ Alliance

Nicole Hay, Morgan County Planning and Zoning Administrator presented to the Board a first Amendment to 2024 CNT 107, Shea Carr & Jewell, Inc., dba SCJ Alliance. Ms. Hay stated that the county is updating their Comprehensive Plan. She noted that they have received a grant of \$130,000 to hire a consultant to help with this process. As there are extra miscellaneous costs (such as extra public meetings and maps). She noted that the amendment is needed. This amendment will increase the contract by \$31,600.

At this time, Commissioner Bernhardt made a motion to approve a first Amendment to 2024 CNT 107, Shea Carr & Jewell, Inc., dba SCJ Alliance, as presented by Nicole Hay, Morgan County Planning and Zoning Administrator, with Commissioner Malone seconding the motion. The motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder, Kevin Strauch explained that the elections department held a Ballot University class on Friday and it had a moderate turn out.

Commissioners reviewed weekly Road and Bridge Report for April 5, 2025 through April 11, 2025.

Commissioners reviewed weekly Road and Bridge Report for April 12, 2025 through April 18, 2025.

Commissioners reviewed weekly Road and Bridge Report for April 19, 2025 through April 25, 2025.

Commissioners reviewed the calendar dated May 2, 2025 through May 13, 2025 with no changes.

Being no further business the meeting was adjourned at 9:23 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified May 20, 2025)

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

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s/Jon J. Becker
Jon J. Becker, Chairman

s/Timothy A. Malone
Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt
Kelvin S. Bernhardt, Commissioner

(SEAL)
ATTEST:
s/ Kevin Strauch
Kevin Strauch

PUBLIC HEARING

Chairman Becker called the hearing to order at 9:27 a.m. on Tuesday, May 6, 2025 in the Assembly Room of the Morgan County Administration Building.

Chairman Jon Becker, Commissioner Kelvin Bernhardt, and Commissioner Tim Malone were present. Planning Administrator Nicole Hay, Planning Technician Jenafer Santos and IT Director Karol Kopetzky were also present.

NEW BUSINESS: Minor Subdivision

Applicants: Timothy Bellendir and Bre Gilliland

Landowner: Marva Bellendir and Timothy Bellendir

Legal Description: A parcel of land located in the NW¼ of Section 10, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado. Also known as 22910 Co Rd 21, Fort Morgan, CO 80701.

Request: 2-Lot Minor Subdivision. The total acreage being divided into 2 Lots is 6.51 acres. Lot 1 will be 4 acres; Lot 2 will be 2.51 acres.

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANT: Timothy Bellendir and Bre Gilliland

LANDOWNER: Timothy and Marva Bellendir

This application is for a 2-lot Minor Subdivision of 6.51 acres located in the NW¼ of Section 10, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado. Also known as 22910 County Road 21, Fort Morgan, CO 80701. The property is zoned Agriculture Production.

Lot 1 will be 4 acres and Lot 2 will be 2.51 acres. There is an existing residence on the property, however the existing buildings will be removed except a well house on Lot 2. This will allow for new single family homes to be built.

Section 8-195 of the Morgan County Subdivision Regulations requires review of the listed criteria and compliance to be determined prior to approval of the proposed subdivision.

In reviewing an application for a minor subdivision, the Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 8-195 of the Morgan County Subdivision Regulations:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.
The application documents are complete:
 - 1) Northeast Colorado Health Department has issued a letter regarding onsite wastewater treatment systems on Lots 1 and 2.
 - 2) Lot 1 will be served by Morgan County Quality Water and Lot 2 will be served by an existing well.

- 3) Access for both lots is off of County Road 21. 30-foot access easements are created through the proposed minor subdivision and a shared access acknowledgment will be recorded if the proposed minor subdivision is approved.
 - 4) Property is located in the Fort Morgan Fire District.
 - 5) Soil map was provided by the Natural Resources Conservation Service.
 - 6) The landowners own all of the mineral rights.
 - 7) Right to Farm notices were signed by the property owners and provided with the application.
- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.
The subdivision is located in the north central planning area.
Chapter 2, Plan Summary
Goal: Section 2.C.1- To encourage development where proposed development is compatible with existing land uses and access to public infrastructure is established.
- All existing buildings, except the well house, on Lots 1 and 2 will be removed to allow for the building of single family homes on each lot. Large parcels used as single family home sites surrounded by farmland are in the area. There is access to County Road 21, Morgan County Quality Water, and Morgan County REA.*
- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.
- All properties adjoining this proposed subdivision are in the Agricultural Production District. Farmland and pasture ground surrounds the proposed Minor Subdivision.*

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on April 28, 2025

The Planning Commission recommended approval on a vote of 6 in favor and 0 opposed, 1 member was absent.

Nicole Hay
Morgan County Planning Administrator

DISCUSSION:

Chairman Becker asked Nicole Hay if the access is coming through another parcel?

Nicole Hay answered yes, currently the other parcel is owned by the Bellendirs' also. Those roads have been used for years. They are not creating any new roads; they are just using what is currently there. At this time, **Chairman Becker** asked the applicant if there is anything they would like to add to the application. **Timmy Bellendir** presented this application to the Board of County Commissioners.

PUBLIC COMMENT OPEN: None

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Bernhardt motioned to approve for the parcel of land located in the
Commissioner Malone seconded.
Motion carries, 3-0.

NEW BUSINESS: Minor Subdivision

Applicants: Jay Greener

Landowner: Buck Creek LandCO, LLC

Legal Description: A parcel of land located in the SE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado.

Request: 4-Lot Minor Subdivision. The total acreage being divided into 4 Lots is 24.43 acres. Lot 1 will be 3.46 acres, Lot 2 will be 8 acres, Lot 3 will be 7.23 acres and Lot 4 will be 5.74 acres.

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANT: Jay Greener
LANDOWNER: Buck Creek LandCO, LLC

This application is for a 4-lot Minor Subdivision of 24.43 acres located in the SE¼ of Section 11, Township 2 North, Range 60 West of the 6th P.M., Morgan County, Colorado. The property is zoned Agriculture Production.

Lot 1 will be 3.46 acres, Lot 2 will be 8 acres, Lot 3 will be 7.23 acres, and Lot 4 will be 5.74 acres. Currently, all 4 lots are vacant.

Included in the packets are referral responses from Xcel, Wiggins Fire District and CDOT.

Section 8-195 of the Morgan County Subdivision Regulations requires review of the listed criteria and compliance to be determined prior to approval of the proposed subdivision.

In reviewing an application for a minor subdivision, the Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 8-195 of the Morgan County Subdivision Regulations:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.
The application documents are complete:
 - 1) Northeast Colorado Health Department has issued a letter regarding onsite wastewater treatment systems on Lots 1 thru 4.
 - 2) Lots 1 thru 4 will be served by Morgan County Quality Water.
 - 3) Access for all four lots is off of County Road K. A 40-foot access easement is created through the proposed minor subdivision and a shared access acknowledgment will be recorded if the proposed minor subdivision is approved.
 - 4) Property is located in the Wiggins Fire District.
 - 5) Soil map was provided by the Natural Resources Conservation Service.

- 6) No mineral estate owner has filed a request for notice with the Morgan County Clerk & Recorder.
- 7) Right to Farm notices were signed by the property owner and provided with the application.
- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.
The subdivision is located in the southwest planning area.
Chapter 2, Plan Summary
Goal: Section 2.C.1- To encourage development where proposed development is compatible with existing land uses and access to public infrastructure is established.
- Large parcels used as single family home sites and other minor subdivisions surrounded by farmland and pasture ground are in the area. There is access to County Road K, Morgan County Quality Water, and Morgan County REA.*
- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.
- All properties adjoining this proposed subdivision are in the Agricultural Production District. There is pasture ground to the north, minor subdivisions to the west and south and larger parcels with single family homes sites are to the east.*

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on April 28, 2025

The Planning Commission recommended approval on a vote of 6 in favor and 0 opposed, 1 member was absent.

Nicole Hay
Morgan County Planning Administrator

DISCUSSION:

Commissioner Malone asked how far the proposed access is from HWY 52?

Nicole Hay stated it is about 450 feet to the West.

Commissioner Bernhardt asked if there were any future plans to get access off of HWY 52?

Jay Greener said it's possible, but at this time it is too costly. He would have to build a road for that, and he would rather build the road going into the subdivision.

Chairman Becker asked who is going to maintain the road?

Jay Greener said it would be maintained by him.

Chairman Becker mentioned that an HOA would be a good idea. You can make them as restrictive as you want, but then it would line out the maintenance of the road. Spelling out the road becomes an important thing for the landowners.

Jay Greener asked what would the enforcement mechanism? Who would enforce them? I supposed that would be me as the president of the HOA.

Chairmen Becker stated that either an HOA or some sort of recorded road agreement would be beneficial for the development.

PUBLIC COMMENT OPEN:

Keith Knickrehm addressed at 4629 County Road K, Wiggins asked if there had to be a financial reason for subdividing?

Chairman Becker clarified that they have always allowed minor subdivisions as long as all of the qualifications are met.

Keith Knickrehm asked Jay Greener what are his future plans for the outlot?

Jay Greener clarified that he is going wanting to do another 3 lot minor subdivision.

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Sheriff Dave Martin noted for the record that the Sheriff's office does not take enforcement action for HOA's. It is a civil matter.

There was further discussion amongst the Commissioners and the Applicant regarding the importance of some sort of HOA or road maintenance agreement.

Commissioner Malone motioned to approve Mr. Greeners' request for a for lot minor subdivision. The total acreage being divided into 4 lots is 24.43. Lot 1 will be 3.46 acres, Lot 2 will be 8 acres, Lot 3 will be 7.23 acres, and Lot 4 will be 5.74 acres located around HWY 52 and County Road K.

Commissioner Bernhardt seconded, noting that for the applicant's benefit, a road use agreement would be beneficial for the development.

Motion carries, 3-0.

Being no further business the meeting was then adjourned at 10:00 a.m.

Respectfully Submitted,
Jenafer Santos
Planning Technician