

# COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS  
Morgan County Board of Social/Human Services  
Minutes of Meeting  
June 18, 2024**

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/82979167395> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 4 p.m. on Monday June 17, 2024.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/82979167395> listen via phone, please dial: 1-312-626-6799, Meeting ID: 829 7916 7395

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/82979167395> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 829 7916 7395

The Board of Morgan County Commissioners met on Tuesday, June 18, 2024 at 9:04 a.m. with Chairman Mark Arndt, Commissioner Jon Becker and Commissioner Gordon Westhoff in attendance. Chairman Arndt asked Morgan County citizen Dodie Endsley to lead the meeting in the Pledge of Allegiance.

At this time, the Board convened as the Morgan County Board of Social/Human Services. Arndt noted that Jacque Frenier, Morgan County Department of Human Services Director, and Accounting Manager Susan Nitzel were present.

#### **Consideration of Approval –DHS Minutes dated May 21, 2024**

Chairman Arndt presented for review and approval the Department of Human Services Minutes dated May 21, 2024. A motion was made by Commissioner Becker to approve the minutes as presented with Commissioner Westhoff seconding the motion. The motion carried 3-0.

#### **Consideration of Approval – DHS WARRANTS – April 2024**

Susan Nitzel, Accounting Manager presented to the Board for their review and approval of the Department of Human Services Warrants for the month of April 2024. Ms. Nitzel summarized the operating warrants as being a total of \$313,213.10 for operating costs and direct deposits for payroll were \$210,517.55, which totaled \$523,730.65. Ms. Nitzel stated that there was around \$50,000 more month to month mostly due to program contracts that were signed in March and the payments made in April as well as payments to the truck driving school.

Commissioner Westhoff made the motion to approve the warrants as presented for April 2024 in the amount of \$523,730.65 as presented and authorized the Chairman to sign with Commissioner Becker seconding the motion. Motion carried 2-0.

#### **Consideration of Approval – DHS CERTIFICATION OF PROVIDER AND VENDOR BENEFIT AUTHORIZATIONS – April 2024**

Susan Nitzel, Accounting Manager presented to the Board for their review and approval the Department of Human Services Certification of Provider and Vendor Benefit Authorizations for April 2024. Ms. Nitzel summarized the Certification of Provider and Vendor Benefit Authorizations indicating the monthly total of \$888,888.41. Ms. Nitzel stated that there was an increase of \$7,000 month to month which wasn't much of a change. She noted the changes from the previous year was up \$14,000 due to increases in TANF, Childcare, and Foster Care but there was also a drop of \$18,000 in food stamps from the previous year.

Commissioner Becker made the motion to approve the Certification of Provider and Vendor Benefits as presented for April 2024 in the amount of \$888,888.41 as presented and authorized the Chairman to sign, with Commissioner Westhoff seconding the motion. Motion carried 3-0.

There being no further business, the Board stood in recess at 9:09 a.m.

Respectfully Submitted,

Kevin Strauch  
Clerk to the Board

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

\_\_\_\_\_  
s/ Mark A. Arndt  
Mark A. Arndt, Chairman

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s/ Jon J. Becker  
Jon J. Becker, Commissioner

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s/ Gordon H. Westhoff  
Gordon H. Westhoff, Commissioner



# COMMISSIONERS PROCEEDINGS 1

## MEETING OF THE BOARD OF COUNTY COMMISSIONERS Minutes of Meeting June 18, 2024

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The Board of Morgan County Commissioners met Tuesday, June 18, 2024 at 9:10 a.m. Chairman Mark Arndt, Jon Becker and Commissioner Gordon Westhoff were in attendance.

### CITIZEN'S COMMENT

There was no citizen comment provided.

### CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated June 4, 2024.
2. Ratify the Board of County Commissioners approval of DHS meeting minutes dated May 21, 2024.
3. Ratify Chairman Mark Arndt's signature on Morgan County Public Trustee Report – April 2024 through June 2024, signed June 18, 2024.
4. Ratify the Board of County Commissioners approval of Request for Waiver of Rental Fees for A Caring Pregnancy Resource Center, signed June 3, 2024.
5. Ratify Chairman Mark Arndt's signature on May 2024 Morgan County Warrants, signed June 3, 2024.
6. Ratify the Board of County Commissioners approval of **Renewal Contract 2023 CNT 078 R1**, Industrial Communications West, Inc., Term of Contract June 12, 2024 through June 11, 2025.
7. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 057**, Lukens Psychology, LLC, Term of Contract May 1, 2024 through August 31, 2024.
8. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 059**, Pathways Management, LLC, Term of Contract May 1, 2024 through December 31, 2024.
9. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 061**, McClary, P.C. f/k/a Epperson & McClary, Term of Contract June 1, 2024 through May 31, 2025.
10. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 062**, Raise the Future, Term of Contract July 1, 2024 through June 30, 2025.
11. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 064**, TLM Constructors, Inc., Term of Contract May 1, 2024 through December 31, 2024.
12. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 068**, Transitions Psychology Group, LLC, Term of Contract June 1, 2024 through May 31, 2025.
13. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 069**, Richard F. Spiegle, PSYD. PC dba Center for Forensic & Clinical Psychology, Term of Contract June 1, 2024 through May 31, 2025.
14. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates dated June 6, 2024. Client #231732.

At this time, Commissioner Westhoff made a motion to approve items 1-14 as presented; Commissioner Becker seconded the motion. The motion carried 3-0.

### UNFINISHED BUSINESS

There was no unfinished business.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval – Bid Tabulation and Award, RFP 2024-0606-001 Morgan County Fuel**

Morgan County Public Works Director, Bruce Bass, presented to the Board for approval Bid Tabulation and Award RFP 2024-0606-001 Fuel. Mr. Bass explained he received three bids, a bid from Senergy Petroleum LLC in the amount of \$26,660.00, a bid from Rhinehart Oil in the amount of \$12,862.00 and a bid from Agriland FS in the amount of \$14,923.75. Mr. Bass further summarized the details of each bid submitted.

At this time, Mr. Bass recommended the bid be awarded to Rhinehart Oil, who was the lowest bidder in the amount of \$12,862.00.

# 2 COMMISSIONERS PROCEEDINGS

Commissioner Becker made a motion to accept the Bid Tabulation and Award RFP 2024-0606-001 Morgan County Fuel to Rhinehart Oil in the amount of \$12,862.00, as recommended by Morgan County Public Works Director, Bruce Bass, with Commissioner Westhoff seconding the motion. At this time motion carried 3-0.

## **Consideration of Approval – Bid Tabulation and Award, RFP 2024-0606-002 Morgan County Compact Excavator**

Morgan County Public Works Director, Bruce Bass, presented to the Board for approval Bid Tabulation and Award RFP 2024-0606-002 Morgan County Compact Excavator. Mr. Bass explained that this was an approved budget item and that he had received twelve bids, a bid from Power Equipment Company in the amount of \$64,613.00, a bid from 4 Rivers Equipment, LLC in the amount of \$73,206.86, a bid from Wagner Equipment in the amount of \$60,989.58, a bid from Bobcat of Rockies in the amount of \$54,055.18, a bid from Bobcat of Rockies in the amount of \$63,453.23, a bid from Eagle Express Distribution in the amount of \$87,987.97, a bid from Hardline Equipment in the amount of \$48,864.00, a bid from MTC Equipment in the amount of \$41,500.00, a bid from MTC Equipment in the amount of \$48,500.00, a bid from Arnold Machinery Company in the amount of \$52,208.11, a bid from Power Motive Corp in the amount of \$58,700.00 and a bid from Wickham Tractor in the amount of \$50,486.75. Mr. Bass further summarized the details of each bid submitted.

At this time, Mr. Bass recommended the bid be awarded to Wickham Tractor, who was the local bidder in the amount of \$50,486.75 which is with the five percent of MTC at \$48,500.00. He noted that the low bidder offered an older model and that there were concerns related to that.

Commissioner Westhoff asked if the MTC 2022 Excavator was still in warranty. Mr. Bass stated that the warranty still existed and the warranty was the same across machines.

Chairman Arndt asked what the concerns were about the older MTC machine. Mr. Bass noted that they were due to sitting for two years and the wear and tear that may have happened during that time.

Commissioner Becker noted that he thinks if the warranty's and specs are the same, that the MTC machines have an advantage because of the lower price even though he believes in providing business to local businesses.

Demetrius Weggan of MTC, noted that the 2022 model of the MTC machine was the same model of production as the 2024.

Commissioner Westhoff made a motion to accept the Bid Tabulation and Award RFP 2024-0606-002 Morgan County Compact Excavator to MTC Equipment from Hudson, Colorado for the 2022 XCMG XE35U for \$41,500, with Commissioner Becker seconding the motion. At this time motion carried 3-0.

## **Consideration of Approval – Resolution 2024 BCC 27 A Resolution Granting a Use by Special Review Permit for the Property Located in the S1/2N1/2 of Section 24 Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County Colorado.**

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

#### **RESOLUTION 2024 BCC 27**

#### **A RESOLUTION GRANTING A USE BY SPECIAL REVIEW PERMIT FOR THE PROPERTY LOCATED IN THE S1/2N1/2 OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 56 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO.**

**WHEREAS**, Zoltan and Eva Szabo (the "Owners") own property located in the S1/2N1/2 of Section 24, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado and addressed as 14540 Highway 71, Brush, Colorado (the "Property");

**WHEREAS**, the Owners applied for a special use permit to allow indoor commercial storage of vehicles in an existing 6000 square foot building ("Application");

**WHEREAS**, on May 13, 2024, the Morgan County Planning Commission held a duly noticed public hearing on the Application;

**WHEREAS**, during the public hearing, the Planning Commission received testimony and evidence from the Applicants, Morgan County staff, and the public and recommended approval;

**WHEREAS**, on June 4, 2024, the Board of County Commissioners ("Board") held a duly noticed public hearing on the Application;

**WHEREAS**, during the public hearing, the Board received testimony and evidence from the Applicants, Morgan County staff, and the public; and

**WHEREAS**, the Board desires to conditionally approve the Application.

# COMMISSIONERS PROCEEDINGS 3

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

**1. FINDINGS OF FACT**

The Board, having reviewed the application, all information provided, and testimony heard, finds that:

- a. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically, the preservation of agricultural production land is encouraged to ensure continuation of this important industry. The facility will not impact and therefore preserve the agricultural economic base historically attributed to the area.
- b. The Application and associated documents are complete and present a clear picture of how the use is to be arranged on the site.
- c. The requirement of a special use plan map was waived by the Planning Administer. The site plan provided included sufficient information for the proposed use.
- d. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvement, site plan requirements or other mitigation measures. There is access to established public infrastructure.
- e. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County. There is only one residence located on 40 acres adjacent to the east of this property. Other adjacent uses include pasture ground.
- f. The special use poses no risk to the public health, safety, and welfare.
- g. The special use proposed is located on a conforming parcel.
- h. The applicant has adequately documented a public need for the project. The applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs.
- i. The special use proposed does not require water.

**2. GENERAL PROVISIONS.**

- a. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County Representatives are authorized to inspect the Property at any reasonable time upon notice to the Applicant. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Owners, which are incorporated into this Permit. If any representations or information presented by the Owners during the public hearing or the Application are found to be erroneous, lacking a factual basis or otherwise inaccurate, the County may institute enforcement proceedings to address such representations or information and require the Owners to take measures to correct such representations or information. The County, subject to notice and hearing, may amend, add, or remove any conditions on this Permit or exercise any action provided for in the Morgan County Zoning Regulations.
- b. The Owners shall comply with all governmental and regulatory agency requirements and permits, including without limitation those promulgated for the protection of health, safety, and welfare of the inhabitants of Morgan County. Such compliance shall include without limitation compliance with the regulations of the Colorado Department of Public Health and Environment, the Colorado Department of Agriculture, and the United States Environmental Protection Agency.
- c. The Owners shall comply with all requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

**DATED** this 18th day of June, 2024, *nunc pro tunc* June 4, 2024.

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

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s/ Mark A. Arndt  
Mark A. Arndt, Chairman

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s/ Jon J. Becker  
Jon J. Becker, Commissioner

# 4 COMMISSIONERS PROCEEDINGS

s/ Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch

Kevin Strauch

Nicole Hay, Morgan County Planning and Zoning Administrator, presented to the Resolution 2024 BCC 27 A Resolution Granting a Use by Special Review Permit for the Property Located in the S1/2N1/2 of Section 24 Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. Ms. Hay stated on May 13, 2024, the Planning Commission held a public hearing on an application submitted by Zoltan and Eva Szabo for a Special Use Permit to utilize an existing building on the property for secure indoor storage of vintage and collector cars. The permitted area is located in a part of the S1/2N1/2 of Section 24, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, aka 14540 Highway 71, Brush, CO 80723. The Planning Commission recommended approval on a vote of 5 in favor and 0 opposed. On May 28, 2024, the Board of County Commissioners considered the application and approved it on a vote of 3-0. Resolution 2024 BCC 27 reflects the outcome of that hearing.

Commissioner Becker made a motion to approve Resolution 2024 BCC 27 A Resolution Granting a Use by Special Review Permit for the Property Located in the S1/2N1/2 of Section 24 Township 3 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County Colorado as presented by Nicole Hay, Morgan County Planning and Zoning Administrator. Commissioner Westhoff seconded the motion and motion carried 3-0. This was signed nunc pro tunc.

## **COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated June 14, 2024 through June 25, 2024 with no changes.

Morgan County Clerk and Recorder, Kevin Strauch stated that they have received approximately 2,500 ballots back so far. He noted that it is now too late to mail your ballot back safely and that citizens should use a dropbox located at the Administration Building (on the South side), Brush City Hall, or Wiggins Town Hall. He further noted that Voter Service and Polling Centers will be open on June 25<sup>th</sup> from seven a.m. to seven p.m. at Morgan County Fairgrounds in Brush, the Wiggins Fire Department in Wiggins, and the Clerk's office in Fort Morgan. He encouraged citizens to vote and to remember to vote the back of their ballots.

The meeting was adjourned at 9:39 a.m.

Respectfully Submitted,

Kevin Strauch  
Clerk to the Board

(Minutes ratified July 2, 2024)

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

s/ Mark A. Arndt

Mark A. Arndt, Chairman

s/ Jon J. Becker

Jon J. Becker, Commissioner

s/ Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch

Kevin Strauch

## **PUBLIC HEARING**

Chairman Mark Arndt called the hearing to order at 9:50 a.m. on Tuesday, June 18<sup>th</sup>, 2024 in the Assembly Room of the Morgan County Administration Building.

Chairman Mark Arndt, Commissioner Jon Becker, and Commissioner Gordon Westhoff were present. Planning and Zoning Administrator Nicole Hay, Planning and Zoning Administrative Assistant Cheryl Brindisi and IT Specialist Karol Kopetzky were also present.

## **REGULATION AMENDMENTS OVERVIEW:**

Planning Administrator Nicole Hay read her file summary as follows:

### **AMENDMENTS MORGAN COUNTY ZONING REGULATIONS**

The purpose of these amendments is to update the County's regulations to add above ground fuel storage tanks. They would be added as a use by right as an accessory use in the Agricultural Production Zone (A) for both parcels larger than 20 acres and parcels 20 acres and smaller, Agriculture/Agri-Business Zone (AB), Commercial Zone (C), Light Industrial Zone (LI), and Heavy Industrial Zone (HI). Currently, above ground fuel tanks are not addressed in the Zoning regulations and they are important to farming and business operations. The amendments include a proposed total limit of 50,000 gallons. This could be any combination of number of tanks and tank capacity. An approved zoning permit and compliance with the adopted Building and Fire Codes will be required.

The original staff recommendation was a total limit of 40,000 gallons.

A Planning Commission hearing was held on June 10, 2024, where the Commissioners heard from members of the public. The Planning Commissions recommended approval on a vote of 3 in favor and 1 opposed, 2 members were absent with a change to a total limit of 50,000 gallons.

Nicole Hay  
Morgan County Planning Director

## **DISCUSSION:**

**Chairman Westhoff** asked if the fuel storage in Morgan County would follow the State regulations as well?

**Chairman Becker** asked if everything else that is currently there is grandfathered in?

**Nicole Hay** answered yes they would be State regulated and existing is grandfathered in.

**Chairman Arndt** explained that the reasoning behind the fuel storage amendment is that it was not listed in the Morgan County regulations as a Use-By-Right. It would have fallen in to a Special Use.

**Nicole Hay** noted that these regulations are an Accessory Use that would be allowed if they were a necessity to a farming or trucking operation for example.

**PUBLIC COMMENT OPEN: None**

**PUBLIC COMMENT CLOSED:**

## **BOARD OF COUNTY COMMISSIONER DISCUSSION:**

**Chairman Westhoff** expressed that 50,000 gallons was a lot of fuel but in certain aspects it may not be enough for an operation. Gordon mentioned that he thought that it was a good idea to have it stated in our regulations.

**Chairman Arndt** noted that we are trying to make this an easier and less expensive process in the regulations.

**Chairman Westhoff** motioned to approve the amendments for the above ground fuel storage tanks to be added as a Use-By-Right in the Agricultural Production zone and as presented.

**Commissioner Becker** seconded.

**Motion carries 3-0.**

Being no further business the meeting was then adjourned.

Respectfully Submitted,  
Cheryl Brindisi  
Planning and Zoning Administrative Assistant

**(Minutes ratified July 2, 2024)**

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

\_\_\_\_\_ s/ Mark A. Arndt

Mark A. Arndt, Chairman

\_\_\_\_\_ s/ Jon J. Becker

Jon J. Becker, Commissioner

\_\_\_\_\_ s/ Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_ s/ Kevin Strauch

Kevin Strauch