

COMMISSIONERS PROCEEDINGS 1

MEETING OF THE BOARD OF COUNTY COMMISSIONERS Minutes of Meeting July 2, 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/83634351898> 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 July 1, 2024.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83634351898> listen via phone, please dial: 1-312-626-6799, Meeting ID: 836 3435 1898

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/83634351898> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 836 3435 1898

The Board of Morgan County Commissioners met Tuesday, July 2, 2024 at 9: 01 a.m. Chairman Mark Arndt (remote), Commissioner Jon Becker, and Commissioner Gordon Westhoff were in attendance. Chairman Arndt asked Morgan County Sheriff Dave Martin 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 meeting minutes dated June 18, 2024.
2. Ratify the Board of County Commissioners approval of DHS meeting minutes dated June 18, 2024.
3. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates dated June 17, 2024. Client #232776, #233400, #233443, #233454, #233457, #233140.
4. Ratify the Board of County Commissioners approval of Contract **2023 CNT 099 Change Order** Number 1, Scott Brindisi dba Duck Down Masonry and Tile, signed July 2, 2024.
5. Ratify the Board of County Commissioners approval of Contract **2024 CNT 038 Change Order** Number 1, Y-Not Construction, LLC., signed July 2, 2024.
6. Ratify Chairman (Pro Tem) Jon Becker's signature on **Storm Water Inspection Report**, Inspection Date June 24, 2024 signed June 26, 2024.
7. Ratify the Board of County Commissioners approval on assignment of debt collections to EMS/MC dated June 26, 2024. Client #240366, #240368, #240205, #240129, #240052, #240157, #240158, #240199, #240015, #240170, #240161, #240676, #240208, #240020A, #240022, #240301, #240305, #240185A, #240185C, #240310, #240210, #240941, #240234, #240143, #240279, #240111, #240343, #240013, #240219, #240346, #240228, #240320, #240966, #240403A, #240093, #240057, #240449, #240323, #240431C, #240385, #240037, 240179, #240625, #240083, #240402, #240009, #240412, #240728, #240020B, #240539, #240295, #240084.
8. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 070**, Buildings by Design, LLC., Term of Contract June 1, 2024 through October 31, 2024.
9. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 071**, Buildings by Design, LLC., Term of Contract June 1, 2024 through October 31, 2024.
10. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 072**, SRI, Inc., Term of Contract September 1, 2024 through August 31, 2025.
11. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 073**, Hired Gun Weed & Pest Control, LLC., Term of Contract June 7, 2024 through Completion of Project.
12. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 074**, Parkland USA dba Rhinehart Oil, Term of Contract July 1, 2024 through December 31, 2024.
13. Ratify the Board of County Commissioners approval of Contract 2024 CNT 076, Innovative Data Acquisitions, LLC dba IDAX/IDAX Data Solutions, Term of Contract June 27, 2024 through July 16, 2024.

At this time, Commissioner Westhoff made a motion to approve items 1-13 as presented; Commissioner Becker seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

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GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Resolution 2024 BCC 28 A Resolution Amending the Morgan County Zoning Regulations Concerning Above Ground Fuel Storage Tanks in Specific Zones.

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

RESOLUTION NO. 2024 BCC 28

A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS CONCERNING ABOVE GROUND FUEL STORAGE TANKS IN SPECIFIC ZONES.

WHEREAS, the County desires to amend the Morgan County Zoning Regulations to address above ground fuel storage tanks in specific zones;

WHEREAS, on June 10, 2024, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval of the amendments with further revisions;

WHEREAS, on June 18, 2024, the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

WHEREAS, the Board of County Commissioners has complied with all relevant provisions for amending the Morgan County Zoning Regulations; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds these amendments to be in the best interest of the citizens of Morgan County.

NOW THEREFORE BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

Section 1. Section 3-170(F), Parcels Larger than 20 Acres, of the Morgan County Zoning Regulations is revised by the addition of a new subsection (8) to read as follows:

- (8) Above ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.

Section 2. Section 3-170(D), Parcels 20 Acres and Smaller, of the Morgan County Zoning Regulations is revised by the addition of a new subsection (4) to read as follows:

- (4) Above ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.

Section 3. Section 3-190(F) of the Morgan County Zoning Regulations is revised by the addition of a new subsection (11) to read as follows:

- (11) Above ground fuel storage tanks with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.

Section 4. Section 3-315.5 of the Morgan County Zoning Regulations is revised by the addition of a new subsection (V) to read as follows:

- (V) Accessory Uses
 - (1) Above ground fuel storage tanks, with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.

Section 5. Section 3-335.5 of the Morgan County Zoning Regulations is revised by the addition of a new subsection (T) to read as follows:

- (T) Accessory Uses
 - (1) Above ground fuel storage tanks, with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000

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gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.

Section 6. Section 3-355.5 of the Morgan County Zoning Regulations is revised by the addition of a new subsection (R) to read as follows:

(R) Accessory Uses

- (1) Above ground fuel storage tanks, with an approved zoning permit and in compliance with the requirements of the applicable adopted building and fire codes. No more than 50,000 gallons of fuel storage may be on a single lot. The total volumetric limit may be contained in an unlimited number of tanks.

APPROVED this 2nd day of July, 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

Nicole Hay, Morgan County Planning and Zoning Administrator, presented to the Board Resolution 2024 BCC 28 a Resolution Amending the Morgan County Zoning Regulations Concerning Above Ground Fuel Storage Tanks in Specific Zones. Ms. Hay stated that on June 10, 2024, the Planning Commission reviewed and considered amendments to the Morgan County Zoning Regulations. The amendments add above ground fuel storage tanks as a use by right as an accessory use to certain zones. The Planning Commission recommended approval on a vote of 3-1, with 2 member absent. On June 18th, 2024, the Board of County Commissioners reviewed and considered the same amendments to the Morgan County Zoning Regulations and approved them on a vote 3-0. Resolution 2024 BCC 28 reflects the outcome of that hearing.

Commissioner Becker made a motion to approve Resolution 2024 BCC 28 A Resolution Amending the Morgan County Zoning Regulations Concerning Above Ground Fuel Storage Tanks in Specific Zones as presented by Nicole Hay, Morgan County Planning and Zoning Administrator. Commissioner Westhoff seconded the motion and motion carried 3-0.

Resolution 2024 BCC 29 A Resolution Permitting Any Person with Concealed Carry Permits to Carry Concealed Firearms in Government Buildings Owned by Morgan County

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2024 BCC 29

A RESOLUTION PERMITTING ANY PERSON WITH CONCEALED CARRY PERMITS TO CARRY CONCEALED FIREARMS IN GOVERNMENT BUILDINGS OWNED BY MORGAN COUNTY

WHEREAS, on May 7, 2024, the Colorado General Assembly passed Senate Bill 24-131, which, effective July 1, 2024, prohibits the carrying of firearms in sensitive public places, including certain public buildings;

WHEREAS, as applicable to Morgan County, Senate Bill 24-131 provides that unless permitted by a local government, a person shall not carry a firearm on the property or within any building (or on any adjacent parking lots) in which:

1. The chambers or galleries of a local government's governing body are located;
2. A meeting of a local government's governing body is being conducted; or

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3. The official office of any elected member of a local government's governing body or of the chief executive officer of a local government is located.

WHEREAS, the Board of County Commissioners believe that it is of vital importance to allow individuals who hold a valid permit to carry a concealed handgun in government building owned by Morgan County unless otherwise prohibited by law or lawful order of a law enforcement officer or any individual holding authority to issue such an order;

WHEREAS, the Morgan County Board of County Commissioners are fully committed to upholding the Second Amendment of the United States Constitution and right to bear arms that the Second Amendment conveys; and

WHEREAS, C.R.S. § 18-12-105.3(4)(b) permits counties to enact a resolution that permits the lawful carrying of firearms in certain government buildings.

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

Section 1. A person who holds a valid permit to carry a conceal handgun is hereby permitted to carry a concealed handgun upon the following property or buildings:

- A. Any chambers or galleries where the Board of County Commissioners are located.
- B. Any building owned by Morgan County in which an official meeting of the Morgan County Board of County Commissioners is currently taking place.
- C. Any building in which the official office of any elected member of the Morgan County Board of County Commissioners is located.

Section 2. This resolution does not extend to any incorporated municipality within the County. This resolution is not intended to affect any restriction not expressly described herein, including those restrictions created by SB24-131 and codified in C.R.S. § 1-13-724.

DATED this 2nd day of July, 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

Kathryn Sellars, Morgan County Attorney, presented to the Board Resolution 2024 BCC 29 a Resolution 2024 BCC 29 A Resolution Permitting Any Person with Concealed Carry Permits to Carry Concealed Firearms in Government Buildings Owned by Morgan County. She noted that with the passage of SB24-131 a local opt out was made available.

Clerk and Recorder Kevin Strauch noted that election rules still ban the carrying of concealed weapons within 100 feet of a Voter Service and Polling Center and ballot drop box. Attorney Sellars noted that this requirement was met with section two of this resolution.

Clerk Strauch also noted that security will still be in the building during certain elections. Commissioner Becker noted that the board believes that security will be needed in the future with Chairman Arndt in agreement.

Sheriff Martin, did not have any comments on the resolution.

Chairman Arndt noted that he was initially against bringing this resolution forward but he believes that all the law does is hinder law abiding citizens and thinks that this opt out is appropriate.

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Commissioner Westhoff noted that their duty is to the Constitution of the United States, which includes the Second Amendment. He further stated his support.

Commissioner Westhoff made a motion to approve Resolution 2024 BCC 29 a Resolution 2024 BCC 29 A Resolution Permitting Any Person with Concealed Carry Permits to Carry Concealed Firearms in Government Buildings Owned by Morgan County as presented Kathryn Sellars, Morgan County Attorney. Commissioner Becker seconded the motion and motion carried 3-0.

Consideration of Approval – A Settlement Agreement between Prairie View Ranch Partners, LLC., Harrison Homes, Inc., and the Board of County Commissioners of Morgan County.

Kathryn Sellars, Morgan County Attorney, presented to the Board a Settlement Agreement between Prairie View Ranch Partners, LLC., Harrison Homes, Inc., and the Board of County Commissioners of Morgan County. She noted that several months ago, the county filed an enforcement action against Prairie View Ranch Partners, LLC about the placement of a home without a building permit. Harrison Homes, Inc. intervened in the action and all three parties have come to an agreement. Including the home being removed within 120 days and payments to Morgan County from both parties.

Chairman Arndt asked about a timeline for the two entities to settle. County Attorney Sellars noted that it should be within two weeks.

Commissioner Westhoff verified that the chairman needed to sign and not the Chairman Pro Tem. Attorney Sellars agreed.

Commissioner Westhoff made a motion to approve the Settlement Agreement between Prairie View Ranch Partners, LLC., Harrison Homes, Inc., and the Board of County Commissioners of Morgan County and authorizing the chairman to sign once the other two parties come to an agreement as presented Kathryn Sellars, Morgan County Attorney. Commissioner Becker seconded the motion and motion carried 3-0.

FUTURE ACTION

Chairman Arndt proposed a future action that the Town of Orchard, be renamed “Centennial” based upon the 50th anniversary of the film Centennial. Commissioners Becker and Westhoff noted their agreement to put it on a future agenda.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated June 28, 2024 through July 9, 2024 with no changes.

Clerk and Recorder, Kevin Strauch noted that the Primary Election concluded last week with the Canvass Board convening as well as conducting the Risk Limiting Audit which will be the official end of the Primary/Vacancy election.

Commissioner Westhoff noted that the 4th of July Rodeo is currently happening with the performances beginning tonight through the end of the rodeo. He also noted that there will be extra fireworks this year as well.

Chairman Arndt noted that Wiggins also has a 4th of July celebration as well as other places.

The meeting was adjourned at 9:20 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified July 16, 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