

# COMMISSIONERS PROCEEDINGS 1

MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
Minutes of Meeting  
August 5, 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/89478220888> 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 August 4, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89478220888> listen via phone, please dial: 1-312-626-6799, Meeting ID: 894 7822 0888

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/83524575800> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 894 7822 0888

The Board of Morgan County Commissioners met Tuesday, August 5, 2025 at 9:02 a.m. Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt were in attendance. Chairman Becker asked Morgan County Sheriff, Dave Martin to lead the meeting in the Pledge of Allegiance.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

**Swearing in of Patrol Deputy Joseph (Joey) Eric Marcos. – David Martin, Morgan County Sheriff**

Commissioners reviewed the calendar dated August 1, 2025 through August 12, 2025 without changes.

CITIZEN'S COMMENT

There was no citizen comment provided.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated July 15, 2025.
2. Ratify Chairman Jon Becker's signature on the **Retail Liquor License Renewal Application and Liquor License for Homeplate Restaurant 1**, signed August 5, 2025.
3. Ratify Chairman Jon Becker's signature on the **Retail Liquor License Renewal Application and Liquor License for Pope Farms Corn Maize and Pumpkin Patch**, signed August 5, 2025.
4. Ratify the Board of County Commissioners approval on assignment of **Debt Collections to EMS\MC** dated July 25, 2025. Client #251137, #250316, #250374, #250444, #250356, #250395, #250287, #250461, #250432, #250515, #250469, #250696, #250513, #250360, #251113, #250187, #250707, #242981, #250286, #243785, #250401, #250402, #242635, #250650, #250355, #250639, #250076, #243085, #424314, #250224, #243238, #242657, #250594, #243758, #250217, #250501, #250847, #243769, #251524, #250218, #243742, #250506, #242572, #243746, #250418, #240843, #250623B, #243406B, #243406A, #243406C, #250509, #243117, #250712, #243684B, #250423, #250354, #250325, #241356.
5. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 051 GeCore Candeo, Ltd., dba The Genesis Group**, Term of Contract August 1, until termination.
6. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 052 S.H.A.R.E, Inc.**, Term of Contract July 1, 2025 through June 30, 2026.
7. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 053 S.A.R.A., Inc.**, Term of Contract July 1, 2025 through June 30, 2026.
8. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 054 Rising Up**, Term of Contract July 1, 2025 through June 30, 2026.
9. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 055 Morgan County Family Center, Inc.**, Term of Contract July 1, 2025 through June 30, 2026.
10. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 056 Morgan County Partnership for Children and Families**, Term of Contract July 1, 2025 through June 30, 2026.
11. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 057 Regional Home Visitation Program dba Baby Bear Hugs**, Term of Contract July 1, 2025 through June 30, 2026.
12. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 058 A Caring Pregnancy Resource Center**, Term of Contract July 1, 2025 through June 30, 2026.
13. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 059 Third Way Center Inc.**, Term of Contract May 1, 2025 through June 30, 2026.
14. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 060 McClary, P.C. fka Epperson & McClary**, Term of Contract June 1, 2025 through May 31, 2026.
15. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 062 Justice Works YouthCare**, Term of Contract June 1, 2025 through May 31, 2026.
16. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 063 Intervention, Inc.**, Term of Contract June 1, 2025 through May 31, 2026.
17. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 066 Advantage Treatment Centers, Inc.**, Term of Contract June 1, 2025 through May 31, 2026.

# 2 COMMISSIONERS PROCEEDINGS

- 18. Ratify Chairman Jon Becker’s signature on **Stormwater Inspection**, dated July 28, 2025.
- 19. Ratify the Board of County Commissioners approval of **change order for 2025 CNT 003 Motorola Solutions**.

At this time, Commissioner Bernhardt made a motion to approve items 1-19 as presented; 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 – An Ordinance amending the 2003 MTC to prohibit the use of engine compression brakes- First Reading**

Morgan County Attorney, Kathryn Sellers explained that this would prohibit compression brake on County Road Q between roads 17 and 18 to road 18.5 and that signage will be posted accordingly. She noted that there will be an exemption for emergencies. This was requested by the City of Fort Morgan because of a new subdivision.

Commissioner Malone made a motion to approve the Ordinance amending the 2003 MTC to prohibit the use of engine compression brakes as presented for the first reading; Commissioner Bernhardt seconded the motion. The motion carried 3-0.

**Consideration of approval – Resolution 2025 BCC 29, A Resolution decreasing the speed limit along a portion of Morgan County Road Q**

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

**RESOLUTION NO. 2025 BCC 29**

**A RESOLUTION DECREASING OF THE SPEED LIMIT ALONG A PORTION OF  
MORGAN COUNTY ROAD Q**

WHEREAS, the portion of Morgan County Road Q from the half mile marker between County Roads 17 and 18 in an easterly direction to its intersection with Morgan County Road 18.5 has a speed limit of 55 mph;

WHEREAS, the County has received a request from the City of Fort Morgan, which has approved several subdivisions along this portion of County Road Q, to reduce the speed limit;

WHEREAS, the Board of County Commissioners finds and determines that a speed limit of 55 miles per hour along the portion of County Road Q is too high due to the increased residential development along this portion of County Road Q and the stop sign at the intersection of County Roads Q and 18; and

WHEREAS, the Board of County Commissioners finds that a decrease of the speed limit along the portion of Morgan County Road Q described herein will serve the public health, safety, and welfare by making travel more efficient and convenient along this portion of Morgan County Road Q.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

- 1. The speed limit on County Road Q between the half mile point between County Roads 17 and 18 and its intersection with County Road 18.5 to the east is hereby decreased from 55 miles per hour to 45 miles per hour.
- 2. Appropriate signage shall be posted on such roadway and the new speed limit shall take effect immediately upon such posting.
- 3. The County will consider a further reduction of the speed to 35 mph on County Road Q from the half mile point between County Roads 17 and 18 and its intersection with County Road 18.5 to the east when the earlier of the following events occur within the development known as the Bijou Subdivision Filing No. 1: 1) 30 residences have been constructed and are habitable or 2) all residences on lots situated along County Road Q have been constructed and are habitable.

**DATED** this 5th day of August, 2025.

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

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

# COMMISSIONERS PROCEEDINGS 3

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

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

(SEAL)  
**ATTEST:**  
s/ Kevin Strauch  
Kevin Strauch

Morgan County Attorney, Kathryn Sellers, presented to the Board Resolution 2025 BCC 29, a Resolution decreasing the speed limit along County Road Q between roads 17 and 18 to road 18.5. Speed would be decreased from fifty-five miles per hour to forty-five miles per hour for the same subdivision as in the previous ordinance (An Ordinance amending the 2003 MTC to prohibit the use of engine compression brakes). She noted that there is the potential to lower it to thirty-five miles per hour in the future.

Commissioner Bernhardt made a to motion approve Resolution 2025 BCC 29, a Resolution decreasing the speed limit along a portion of Morgan County Road Q as presented by Morgan County Attorney, Kathryn Sellers  
Commissioner Malone seconded the motion and motion carried 3-0.

**Consideration of approval – Road Use Agreement template**

Morgan County Attorney, Kathryn Sellers explained that this is the template for solar power, BESS, and wind. She noted that the word applicant was changed to permittee, prospective costs. She stated that it also changed a few aspects of the agreement and added a few new requirements as well.

Commissioner Malone made a motion to approve the Road Use Agreement template as presented; Commissioner Bernhardt seconded the motion. The motion carried 3-0.

Respectfully Submitted,  
  
Kevin Strauch  
Clerk to the Board

(Minutes ratified August 19, 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

BOARD OF COUNTY COMMISSIONERS  
PLANNING AND ZONING — PUBLIC HEARING MINUTES  
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Chairman Becker called the hearing to order at 9:19 a.m. on Tuesday, August 5<sup>th</sup>, 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, IT Director Karol Kopetzky, and Attorney Kathryn Sellars were also present.

**NEW BUSINESS: Special Use**

**Applicant:** THEngineering, LLC

**Landowner:** CK2 Cattle Company, LLC and Riverside Irrigation District

**Legal Description:** A part of Sections 30, 31, and 32, Township 5 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado aka 24592 County Road 19, Fort Morgan, CO 80701.

**Request:** A Use by Special Review Permit to expand an existing animal feeding operation into a new dairy heifer grower CAFO proposed to house 25,850 animal units.

**APPLICATION OVERVIEW:**

Planning Administrator Nicole Hay read her file summary as follows:

**LANDOWNERS: CK2 Cattle Company and Riverside Irrigation District**

**OPERATOR: CK2 Cattle Company**

**APPLICANT: THEngineering, LLC, Travis Hertneky and Erin Kress**

This application is for a Special Use Permit to allow for a new confined animal feeding operation (CAFO). The proposed permitted area is located in a part of the SE¼ of Section 30, the E½NE¼ of Section 31, the NW¼ and the W½NE¼ of Section 32, all in Township 5 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, also known as 24592 County Road 19, Fort Morgan, Colorado. The property is zoned Agriculture Production, is in the Fort Morgan Fire District, and a portion of the property is located in the Special Floodplain Hazard Area (SFHA), Zone A.

CK2 Cattle Company operates an existing small animal feeding operation and through this application is requesting to expand the facility to become either: 1) a dairy heifer raising operation or a 2) feedlot. The operator would like to be able to switch between the two types of CAFO under the special use permit. The proposed facility would have a maximum animal number of 25,850 animal units and will be constructed in 3 phases.

1. Phase I will consist of new corrals located east of the Riverside Canal which will replace much of the existing capacity with new modern pens. In the southeast corner of the site, a proposed east runoff storage pond will directly collect the runoff from the new pens and a new collection and diversion system will be built to collect the runoff from the existing pens. Construction is planned to be outside and adjacent to the floodplain.
2. Phase II will begin immediately after the completion of Phase I and is located east of County Road 19 and west of the Riverside Canal. It will consist of additional new corrals and will accommodate all of the feed storage, commodity barn, shop and an office. A proposed middle runoff storage pond will be north of the proposed pens. The pens will be graded for the runoff to flow north to culverts where the culverts will carry the runoff to sediment basins then to the storage pond.

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3. Phase III will consist of the largest pens and is located west of County Road 19. The proposed west runoff storage pond will be north of the proposed pens and will also collect the runoff via culverts.

There are two houses within the proposed special use boundary. One will remain and is located in proposed Phase I northwest of the existing corrals. The second house and a couple of sheds are located in proposed Phase III and will be removed. The closest residence outside of the proposed special use boundary is approximately 2000 feet to the north.

The proposed facility will be accessed from 6 approved driveways off of County Road 19 (3 to the west and 3 to the east).

Included in your packets is a letter from Matt Harris with Harris Engineering Consultants, Inc. regarding existing structures in the floodplain and the uncertainty in the delineation of the Zone A in the SFHA.

Also, included in your packets is a letter from HDR Engineering, the County's engineer regarding the increased traffic and the safety on County Road Y. Given the low volumes along County Road Y and at the intersection of County Road Y and County Road 19, HDR is not recommending the County require a deceleration lane or an acceleration lane. In addition, there is a "Trucks Entering Highway" sign on the eastbound County Road Y just before the crest of a hill to the west of the intersection of County Roads Y and 19. The sight distance from the crest of the hill to the intersection of County Road Y and County Road 19 is approximately 450 feet. Morgan County Public Works is recommending a speed reduction from 55 mph to 45 mph for both east and west bound traffic on County Road Y. The speed reduction is recommended approximately 1500 feet prior to the intersection of County Road Y and County Road 19 in both directions. The speed limit would then need to be posted to return back to 55 mph after the intersection.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-455 of the Morgan County Zoning Regulations has been met.

Section 2-455 Special Use Permit Criteria:

- A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:

*The property is located in the north central planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include:*

*Encourage the preservation of agricultural production land to ensure continuation of this important industry. The dairy heifer raising operation is a vital part of the agricultural industry.*

- B. All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.

*The application satisfies this criteria.*

- C. The site plan conforms to the district design standards of these Regulations.

*The site plan satisfies this criteria.*

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- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

*The operation impacts are expected to be minimal. Proposed use impacts upon existing uses are detailed in the included Nuisance Control Plan and in the Preliminary Environmental System.*

- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.

*Adjacent uses include pasture land and farmland and are compatible with the proposed use.*

- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.

*The criteria is satisfied through the implementation of the Nuisance Control Plan and the conditions outlined below.*

- G. The special use proposed is not planned to be developed on a non-conforming parcel.

*The proposed special use is located on a conforming parcel.*

- H. The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

*The applicant did not address the public need for the project, except to state that the proposed expansion of the current operation will promote economic growth through additional purchases of local commodities. Further, the applicant did make a statement that adequate financial resources are available to implement the project and the applicant has paid all fees.*

- I. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.

*Water for human consumption will be available through individual water bottles or supplied from a water cooler until the office/shop is built in Phase II. Once built, the commercial wells will be tied into the office/shop, tested and used as a permanent source for human consumption. Water for the livestock will be provided by two newly constructed augmented commercial livestock wells located east of Phase I.*

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on July 14, 2025.

A neighboring property owner expressed his concerns regarding safety with the increased traffic especially during silage time.

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The Planning Commission motioned for recommended conditional approval as presented and included a condition to increase the turning radius off of County Road 19 onto County Road Y.

The motion was approved on a vote of 6 in favor, 0 opposed, and 1 member recused himself.

Staff Update after Planning Commission Meeting

Since the Planning Commission hearing, staff spoke with the Public Works Department regarding the intersection of County Road Y and County Road 19 and the Planning Commission's recommended condition. The Public Works Department visited the intersection to determine if there was room within the County Road 19 right-of-way to widen the roadway and the corresponding turn radius onto County Road Y. Based on a visual assessment only, the Public Works Department does believe there is enough room for the widening, but a survey would be required to verify the information on the right-of-way location. The Public Works Department supports the widening of the intersection to make right hand turns onto County Road Y safer. See the email dated July 24, 2025 included with application. Staff has added a recommended condition below.

Recommendation

The application generally meets the criteria as explained above if the following conditions are added and the applicant can demonstrate the public need for the project. The special use permit should specify the uses of the property: a dairy heifer raising operation or a 2) feed yard. If the applicant can provide evidence of the public need, staff recommends conditional approval of the application subject the following conditions:

1. CK2 Cattle Company, as the operator, must demonstrate ownership or possession of the portion of the permitted area currently owned by Riverside Irrigation District prior to use of that portion of the property under this permit. CK2 Cattle Company can demonstrate satisfaction with this condition through vested title in its name, or a lease or other agreement directly with the property owner allowing the use permitted pursuant to the special use permit to be conducted on the property.
2. Prior to construction of Phase III, the house and sheds will be removed.
3. Prior to construction of Phase I, the Base Flood Elevation (BFE) for the adjacent reach of Wildcat Creek shall be determined in order to verify that the proposed pond is not at risk of inundation by the 100-year flood event (verify that the berm height is at least 2 feet above the BFE for critical facilities).
4. Any proposed modifications to the existing structures within the floodplain would be required to comply with current floodplain management standards and obtain a floodplain development permit if required.
5. Prior to construction, the applicant shall be responsible for the payment of all costs and fees, including staff time, incurred by the County for the placement of two new 45 mph signs and two new 55 mph signs on County Road Y.
6. Prior to construction, the applicant shall be responsible for a survey to determine the County Road 19 right-of-way location. If the Public Works Department determines, with the assistance of the County Surveyor, if necessary, that County Road 19 can be widened within its right-of-way to



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increase the turn radius onto County Road Y, the Public Works Department can widen County Road 19 and construct the turning radius as described in this condition. County Road 19 will be widened at the intersection of County Road Y and then be tapered back down to the 24-foot width as it moves north. The widening will require fill and subgrade prep to elevate the borrow ditch on the west side of the County Road 19 right-of-way up to the road grade. Portions of the west side of the right-of-way for County Road 19 shall be maintained to ensure water drainage through the borrow ditch on the north side of County Road Y, which the ditch will curve along the newly constructed turn radius on County Road 19 and then continue along the west side of County Road 19, as currently exists. Any widening will require the widened portion and turning radius to be asphalted to match the existing asphalt. The applicant shall be responsible for the payment of all costs and fees incurred by the County for the widening of County Road 19 at the intersection of County Road Y. Prior to commencing construction, the Public Works Department shall provide estimated costs to the applicant. The County shall not be bound by the estimate and it is provided as a courtesy. After the completion of the work, the Public Works Department shall provide an invoice of the costs to widen County Road 19 and construct the turn radius. The applicant shall have thirty (30) days to pay the invoice. If the invoice is not paid, the County may take enforcement action including but not limited to revocation of this permit. Any costs and fees incurred by the County for enforcing payment shall be the responsibility of the applicant.

CK2 Cattle Company is requesting an additional 7 years of vesting for a total of 10 years. The intent is for the expansion to be completed in 3 years, but the added vesting will allow for any possible construction delays.

Nicole Hay,  
Morgan County Planning Administrator

**DISCUSSION:**

**Commissioner Bernhardt** asked if there were any negative responses from the neighbors in the area?

**Nicole Hay** confirmed there were no comments besides the ones from a neighbor at the Planning Commission hearing.

At this time, **Chairman Becker** asked the applicant if there is anything they would like to add to the application. **Travis Hertneky with THEngineering and Kirk Crone with CK2 Cattle** presented this application to the Board of County Commissioners.

**Commissioners Malone** asked if the route they are using that has 75% of their traffic, are there any residences along that route?

**Travis Hertneky** said no there are none.

**Commissioner Bernhardt** asked what their average number of animals they plan to run the facility at?

**Travis Hertneky** said they probably will have 15,000 head for normal operation.

**Chairman Becker** asked for comparisons on the dairy heifer raising facility and the beef facility in regards to traffic.

**Travis Hertneky** said there is a difference in traffic. For a dairy heifer facility, it will be 9000 trucks and it would be 11,800 for a beef feedyard. The dairy heifer facility will have 11 trips a day, and 19 trips a day for a beef feedyard.

**Chairman Becker** asked if their main goal is to have County Road 19 be closed?

**Travis Hertneky** answered that it was correct. He then explained the need for the 6 driveway permits. If County Road 19 were to be closed, all of those accesses become null and void.

**PUBLIC COMMENT OPEN:**



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**Ed Wildenburg with Wildcat and Deer Valley Dairies addressed at 24268 County Road 21 Fort Morgan** noted that CK2 does a great job raising cattle, and Travis Hertneky is a great engineer. His concern is the unsafe accesses. He believes the access should be moved to the top of the hill or have turn lanes added in to mitigate some of those safety concerns.

**John Longacre, 20531 CO RD Y, Fort Morgan** is in objection to Phase 3 of the project. He explained that they sold that land to the Riverside Irrigation District for the building of the proposed Wildcat dam. The Longacre's would like their right to buy their contract back if the dam is not going to be built because it was initially sold to Riverside for those intentions. He has no objections to the feedlot if he is able to gain his land back. He also noted that the road study was done at the wrong time of the year where there are no silage trucks running. For safety, they are willing to allow access at top of the hill and put fences on both sides of the road. He also suggested making larger white signs for easier visibility.

**PUBLIC COMMENT CLOSED:**

**BOARD OF COUNTY COMMISSIONER DISCUSSION:**

**Travis Hertneky** stated that their ultimate goal is to close County Road 19. They have spoken to Road and Bridge about it. It is minimally graded and has seldom travel. They would like to move the access to the top of the hill and John Longacre is on board with that.

**Chairman Becker** agrees with Ed Wildenburg that there should be full turn lanes added if the access cannot be moved. He asked if the conditions are agreeable?

**Travis Hertneky** said yes, they agree with the conditions.

**Attorney Sellars** asked for clarification regarding the turn lanes.

**Chairman Becker** believes a left hand turn lane off of County Road 19 to County Road Y needs to be put in unless some other agreement is reached.

**Commissioner Bernhardt** agreed with Chairman Becker's statement.

**Attorney Sellars** asked if the access is moved to the west, is the turn lane still required?

**Chairman Becker** would still want a turn lane even if access is moved.

**Kirk Crone** stated they won't move their access if they have to put turn lanes in.

**Commissioner Bernhardt and Commissioner Malone** agreed with having a turn lane to be added in.

**Commissioner Malone** motioned to continue the public hearing based on correct wording for the condition regarding turn lanes to August 19, 2025.

**Commissioner Malone** seconded.

**Motion carries, 2-1 with Chairman Becker opposing.**

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**NEW BUSINESS: Special Use**

**Applicants and Landowners:** Gregory and Regina Dardanes

**Legal Description:** Lot 7 except the South 25' of Lot 7, Church Sub of Munns Addition in the SE¼ of Section 34, Township 4 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. Also known as 968 North Custer Street, Brush, CO 80723.

**Request:** Use by Special Review for the future development of a storage facility, to include conex boxes, storage trailers, and areas for covered parking.

**At this time, Chairman Becker recused himself from this public hearing.**

**APPLICATION OVERVIEW:**

Planning Administrator Nicole Hay read her file summary as follows:

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**APPLICANT and LANDOWNER: Gregory and Regina Dardanes**

This application is for a Special Use Permit to allow for the development of a storage facility to include conex boxes, storage trailers and covered parking. The permitted area is Lot 7, Church Subdivision of Munn's Addition to the City of Brush except the south 25 feet of said Lot 7 in a part of the SE¼ of Section 34, Township 4 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado.

The property is zoned Rural Residential, is in the Brush Fire District, and is located in the Special Floodplain Hazard Area.

Included in your packets is a letter from Matt Harris with Harris Engineering Consultants, Inc. regarding anchoring and infiltration requirements based off of the submitted grading plan and drainage narrative.

Also included in your packets are several emails from concerned neighboring property owners that were received prior to the Planning Commission hearing.

Commercial storage facilities are not a designated use by right, conditional use, or special use under the Morgan County Zoning Regulations in the applicable district and therefore, require a special use permit pursuant to Sec. 2-435.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-455 of the Morgan County Zoning Regulations has been met.

Section 2-455 Special Use Permit Criteria:

- A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:

*The property is located in the northeast planning area as defined by the Morgan County Comprehensive Plan. A County wide goal is to encourage development where it is in proximity to the activity centers.*

*The property is surrounded by residential properties and is within a quarter mile of the City of Brush municipal boundary.*

- B. All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.

*The application satisfies this criteria.*

- C. The site plan conforms to the district design standards of these Regulations.

*The site plan satisfies this criteria.*

- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

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*There is access to public infrastructure including access to Cotton Street. A drainage plan has also been submitted to ensure proposed improvements will not create drainage issues for the neighboring properties. This criteria is satisfied through the conditions outlined below.*

- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.

*There is one residence located on the property and residences surround this property in all directions. The property to the north is zoned commercial, however the use on that property is residential. The entire surrounding area is being used as residential properties in accordance with RR and this proposed use is not compatible. The proposed use is commercial in nature and not residential. Buffering and other means to address this incompatibility are not presented by the applicant.*

- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.

*The proposed special use will not increase the risk to public health, safety or welfare.*

- G. The special use proposed is not planned to be developed on a non-conforming parcel.

*The proposed special use would be located on a conforming lot.*

- H. The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

*The public need for this project was not addressed in the application.*

- II. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.

*The proposed special use does not require water.*

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on July 14, 2025.

Several neighboring property owners expressed their concerns regarding the proposed use and the possible increase in crime and traffic. The property upkeep and drainage were also concerns.

The Planning Commission motioned for recommended conditional approval as presented.

The motion was approved on a vote of 4 in favor, 2 opposed, and 1 member recused himself.

Recommendation

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The application has not satisfied all the criteria required for granting a special use. Specifically, the proposed use is not compatible with the surrounding properties, and the applicant has not addressed this issue through buffering or other means to address that incompatibility. Further, the application does not provide evidence of a public need for the proposed used. Therefore, staff recommends denial of the application.

However, if the Board finds that the application does meet the criteria after reviewing the evidence presented during the public hearing, staff recommends the following conditions on the special use permit:

1. The storage containers and trailers must be sufficiently anchored to resist applicable loads including, but not limited to: wind, seismic, buoyancy, hydrostatic and hydrodynamic (the latter three loading conditions would be for the portion of the structure(s) below the flood protection elevation).
2. Prior to development, the applicant must supply a letter from a geotechnical engineer confirming connectivity to soils that meet State infiltration requirements at the proposed retention impoundment in basin WD.

If approved, flood development permits will be required along with the appropriate zoning permits for development.

Nicole Hay,  
Morgan County Planning Administrator

**DISCUSSION:**

**Commissioner Bernhardt** asked what the neighboring zoning is?

**Nicole Hay** stated that the area is zoned rural residential and there are residences surrounding that property.

At this time, **Commissioner Malone** asked the applicant if there is anything they would like to add to the application. **Greg Dardanes** presented this application to the Board of County Commissioners, adding the measures he will take to make it a clean and safe property. Chadwin Cox with Western Engineering Consultants added that he has done various work around the County, both in and out of the floodplain. He also mentioned that Greg Dardanes has a list of people who are interested in renting once the project goes in place.

**PUBLIC COMMENT OPEN:**

**Michelle Kelly addressed at 960 N. Custer St.** has many concerns regarding this project. She said there are discrepancies between his application and his comments at the Planning Commission hearing. She has concerns about flooding in her basement.

**Linda Hansen addressed at 439 Cambridge St.** stated that once the trailers come in, it will cut down on air flow to neighboring properties. She believes he should put them on a property where he will be able to take care of them and keep an eye on them better. She also addressed concerns about flooding.

**Wanda Blake addressed at 705 Cotton St.** voiced concerns about flooding as well. She is in opposition of this project. She doesn't believe there is enough room for this project on this parcel. There is also a concern that it will bring in crime to the neighborhood. She had general questions about the project as well.

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**Troy Blake addressed at 705 Cotton St.** is opposed to the project for all of the previously mentioned reasons. He believes this will create a safety issue for his grandkids that play in his yard.

**PUBLIC COMMENT CLOSED:**

**BOARD OF COUNTY COMMISSIONER DISCUSSION:**

**Commissioner Bernhardt** motioned to deny the special use permit for the storage unit with applicants being Gregory and Gina Dardanes located at 968 N. Custer St. in Brush Colorado.

**Commissioner Malone** seconded.

**Motion carries, 2-0.**

Being no further business, the meeting was adjourned at 11:08 a.m.

Respectfully Submitted,  
*Jenafer Santos*  
Planning Technician

(Minutes ratified August 19, 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