

COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS
Morgan County Board of Social/Human Services
Minutes of Meeting
August 19, 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/89911490885> 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 August 18, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89911490885> listen via phone, please dial: 1-312-626-6799, Meeting ID: 899 1149 0885

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/89911490885> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 899 1149 0885

The Board of Morgan County Commissioners met on Tuesday, August 19, 2025 at 9:02 a.m. with Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt in attendance. Chairman Becker asked Rogelio Segura, Deputy Director of Human Services to lead the meeting in the Pledge of Allegiance.

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

Consideration of Approval –DHS Minutes dated July 15, 2025

Chairman Becker presented for review and approval the Department of Human Services Minutes dated July 15, 2025. A motion was made by Commissioner Malone to approve the minutes as presented with Commissioner Bernhardt seconding the motion. The motion carried 3-0.

Consideration of Approval – DHS WARRANTS – June 2025

Susan Nitzel, Accounting Manager presented to the Board for their review and approval of the Department of Human Services Warrants for the month of June 2025. Ms. Nitzel summarized the operating warrants as being a total of \$284,821.51 for operating costs and direct deposits for payroll were \$238,464.74, which totaled \$523,286.25. Ms. Nitzel stated that this was around a \$40,000 increase from May in county interfund payments that were catch up payments. She also noted that there was an increase in program grants where the timing of things was not optimal.

Commissioner Bernhardt made the motion to approve the warrants as presented for June 2025 in the amount of \$523,286.25 as presented and authorized the Chairman to sign with Commissioner Malone seconding the motion. Motion carried 3-0.

Consideration of Approval – DHS CERTIFICATION OF PROVIDER AND VENDOR BENEFIT AUTHORIZATIONS – June 2025

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 June 2025. Ms. Nitzel summarized the Certification of Provider and Vendor Benefit Authorizations indicating the monthly total of \$1,017,052.53. Ms. Nitzel stated there was an increase from May of \$136,000. She noted that this was mostly due to LEAP as they were owed a payoff. She noted that Old Age Pension had a special payment that went out in June.

She also noted that compared to the previous year, they were around \$74,000 due mostly to LEAP and Old Age Pension. She noted that foster care had a slight dip from the previous year.

Commissioner Malone made the motion to approve the Certification of Provider and Vendor Benefits as presented for June 2025 in the amount of \$1,017,052.53 as presented and authorized the Chairman to sign, with Commissioner Bernhardt seconding the motion. Motion carried 3-0.

Jacque Frenier, Morgan County Department of Human Services Director noted that they had hired a Child Welfare Intake Worker and has two openings in Child Support and in Fraud Investigation currently.

There being no further business, the Board stood in recess at 9:14 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

2 COMMISSIONERS PROCEEDINGS

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

s/ Jacque Frenier
Jacque Frenier, Human Services Director

(SEAL)
ATTEST:
s/ Kevin Strauch
Kevin Strauch

COMMISSIONERS PROCEEDINGS 1

MEETING OF THE BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
August 19, 2025

As reflected in posted agenda:

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The Board of Morgan County Commissioners met Tuesday, August 19, 2025 at 9:11 a.m. Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt were in attendance.

CITIZEN’S COMMENT

Pete Wagner, News Director of KFTM, announced that he will be launching a new radio show “Tiger Rocking Oldies Show” that will be broadcast of KFTM and a radio station in Wray from two to four on Sundays.

Daniel Spencer of Roediger Ave. in Fort Morgan, said that he has a flooding issue and asked the board to create a surface water task force.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated August 5, 2025.
2. Ratify the Board of County Commissioners approval of **Request for Waiver of Rental Fees for Colorado FFA District 14, signed August 19, 2025.**
3. Ratify the Board of County Commissioners approval of **Request for Waiver of Rental Fees for Morgan County Golden Stars, signed August 19, 2025.**
4. Ratify Chairman Jon Becker’s signature on **July 2025 Morgan County Warrants, signed August 18, 2025.**
5. Ratify Chairman Jon Becker’s signature on **Morgan County Public Trustee Report**, time period July 2025.
6. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 064 Centennial Board of Cooperative Education Services (Centennial BOCES)**, Term of Contract June 1, 2025 through May 31, 2026.
7. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 067 University Physicians, Inc., dba University of Colorado Medicine**, Term of Contract June 1, 2025 through May 31, 2026.
8. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 068 Patricia M. Chase**, Term of Contract July 1, 2025 through June 30, 2026.
9. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 069 Center for Healing Trauma and Attachment, Inc., (CHTA)** Term of Contract June 1, 2025 through May 31, 2026.
10. Ratify the Board of County Commissioners signatures on letter to **Brush Memorial Cemetery** granting permission for headstone placement on a County owned plot. Signed August 19, 2025.
11. Ratify the Board of County Commissioners approval of **Training Agreement for current Morgan County employee Kalissa Walker**, signed August 19, 2025.
12. Ratify the Board of County Commissioners approval of **Training Agreement for current Morgan County employee Miguel Estrada-Diaz**, signed August 19, 2025.

Commissioner Bernhardt moved to move item number ten: “Ratify the Board of County Commissioners signatures on letter to Brush Memorial Cemetery granting permission for headstone placement on a County owned plot” to General Business. Commissioner Malone seconded the motion. The motion carried 3-0.

At this time, Commissioner Bernhardt made a motion to approve items 1-9 and 11-12 as presented; Commissioner Malone seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

2 COMMISSIONERS PROCEEDINGS

Consideration of approval – Proclamation, Child Support Awareness Month, August 2025

Rogelio Segura, Deputy Director of Human Services introduced Jana Hamick and Shelly Lara from the Department of Human Services, who then presented the proclamation to the Board and read aloud the proclamation.



Proclamation – Child Support Awareness Month

WHEREAS, Morgan County recognizes that every child matters and joins the nation in recognizing August as Child Support Awareness Month;

WHEREAS, child support is a vital source of income for households in Morgan County, many of them low-income families;

WHEREAS, strengthening families improves the lives of children by prompting their safety and well-being and provides economic security;

WHEREAS, Morgan County applauds the parents who support their children and make child support payments consistently to care for them;

WHEREAS, child support professionals are important assets to the county, working in collaboration with parents and other community partners to ensure that children and families receive quality services;

WHEREAS, it is important to increase public awareness of the child support program through outreach and education to reinforce the position that all parents must take responsibility for the financial, emotional and physical support of their children.

Therefore, we do hereby proclaim August 2025, Child Support Awareness Month and encourage all citizens of Morgan County to work together to make our children’s future stable and bright.

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

At this time, Commissioner Malone made a motion to adopt the proclamation declaring August 2025 as Child Support Awareness Month in Morgan County, as presented by Jana Hamick and Shelly Lara from the Department of Human Services, with Commissioner Bernhardt seconding the motion. The motion carried 3-0.

Consideration of approval – Resolution 2025 BCC 32, A Resolution approving an amended plat to be known as the Norell Amended Plat of Lot 2, Quiet Acres Subdivision

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2025 BCC 32

A RESOLUTION APPROVING AN AMENDED PLAT TO BE KNOWN AS THE NORELL AMENDED PLAT OF LOT 2, QUIET ACRES SUBDIVISION LOCATED IN THE SE ¼ SW ¼ OF SECTION 27, TOWNSHIP 4 NORTH, RANGE 58 WEST OF THE 6TH P.M. MORGAN COUNTY, COLORADO

WHEREAS, Ascend Equity LLC (“Owner”) owns Lot 2 of Quiet Acres Subdivision located in the SE¼ SW¼ of Section 27, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, otherwise known as 15445 Highway 144, Fort Morgan, CO 80701;

COMMISSIONERS PROCEEDINGS 3

WHEREAS, Josh Norell (“Applicant”) submitted an application on behalf of the owners for an amended plat to vacate the 40 foot road easement as shown in the original plat of the Quiet Acres Subdivision over Lot 2 which serves Lot 1, decrease the size from 40 feet down to 20 feet, and relocate the easement to the west (the “Application”);

WHEREAS, on May 28, 2025, the Board of County Commissioners (the “Board”) reviewed and considered the Application; and

WHEREAS, the Board desires to approve the Application.

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

1. The Board, having reviewed the Application and all information provided finds that:

a. The plat vacation complies with these Subdivision Regulations and the original conditions of approval of the recorded plat.
b. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.
c. The approval will not adversely affect the public health, safety, and welfare.
d. No land is left, by reason of this vacation, without an established public right-of-way or private access easement connecting the land with an established public road. Lots 1 and 2 access is still off of Highway 144. Lot 1 will use the smaller and relocated easement over Lot 2.
e. A dedication or intent to dedicate has been established, where necessary.
2. The Board hereby approves the Norell Amended Plat of Lot 2, Quiet Acres Subdivision located in the SE¼SW¼ of Section 27, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, otherwise known as 15445 Highway 144, Fort Morgan, CO 80701.

DATED this 19th day of August, 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

Nicole Hay, Morgan County Planning and Zoning Administrator, presented to the Board, Resolution 2025 BCC 32, a Resolution approving an amended plat to be known as the Norell Amended Plat of Lot 2, Quiet Acres Subdivision. Ms. Hay stated that on May 28, 2025, the Board of County Commissioners reviewed and considered an application submitted by Josh Norell. This application is to vacate the 40-foot road easement as shown in the original plat of the Quiet Acres Subdivision over Lot 2 which serves Lot 1, decrease the size from 40 feet down to 20 feet, and relocate the easement to the west. Quiet Acres Subdivision is located in the SE¼SW¼ of Section 27, Township 4 North, Range 58, West of the 6th P.M., Morgan County, Colorado, otherwise known as 15445 Highway 144, Fort Morgan, CO 80701. The amended plat will be the Norell Amended Plat of Lot 2, Quiet Acres Subdivision. The Board of County Commissioners approved it on a vote 3-0. Resolution 2025 BCC 32 reflects the outcome of that hearing.

Commissioner Bernhardt made a motion to approve Resolution 2025 BCC 32, a Resolution approving an amended plat to be known as the Norell Amended Plat of Lot 2, Quiet Acres Subdivision as presented by Nicole Hay, Morgan County Planning and Zoning Administrator. Commissioner Malone seconded the motion and motion carried 3-0.

Consideration of approval – Resolution 2025 BCC 33, A Resolution denying a use by special review permit application for the property described as lot 7, Church Subdivision of Munn’s Addition to the City of Brush

4 COMMISSIONERS PROCEEDINGS

except the south 26 feet if said lot 7 in a part of the SE1/4 of Section 34, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado also known as 968 North Custer Street, Brush, Colorado
MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2025 BCC 33

A RESOLUTION DENYING A USE BY SPECIAL REVIEW PERMIT APPLICATION FOR THE PROPERTY DESCRIBED AS 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 6TH P.M., MORGAN COUNTY, COLORADO ALSO KNOWN AS 968 NORTH CUSTER STREET, BRUSH, COLORADO.

WHEREAS, Gregory and Regina Dardanes (the “Owners”) own 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 6th P.M., Morgan County, Colorado, (the “Property”);

WHEREAS, the Owners applied for a special use permit to allow for the development of a storage facility to include Conex boxes, storage trailers, and covered parking (“Application”);

WHEREAS, on July 14, 2025, 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 conditional approval;

WHEREAS, on August 5, 2025, 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 deny the Application.

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

2. DENIAL

A. The Application is hereby denied for the reasons set forth herein.

3. FINDINGS OF FACT

The Board, having reviewed the application, all information provided and testimony heard, finds that the application failed to meet the applicable criteria for use by special reviewer permits, specifically Sec. 4-55(E). Further, the Board found the use was commercial in nature and surrounding area is being used as residential in accordance with rural residential zoning, making the proposed use not compatible. The application did not present any buffering or other means to make the proposed commercial use compatible with the surrounding residential uses.

DATED this 19th day of August, 2025.

THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Jon J. Becker, Chairman

Timothy A. Malone, Commissioner

Kelvin S. Bernhardt, Commissioner

(SEAL)
ATTEST:

Kevin Strauch

At this time, Chairman Becker recused himself.

COMMISSIONERS PROCEEDINGS 5

Nicole Hay, Morgan County Planning and Zoning Administrator, presented to the Board Resolution 2025 BCC 33, a Resolution denying a use by special review permit application for the property described as lot 7, Church Subdivision of Munn’s Addition to the City of Brush except the south 26 feet if said lot 7 in a part of the SE1/4 of Section 34, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado also known as 968 North Custer Street, Brush, Colorado. Ms. Hay stated that On July 14, 2025, the Planning Commission held a public hearing on an application submitted by Gregory and Regina Dardanes. The 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 property 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 6th P.M., Morgan County, Colorado. The Planning Commission recommended conditional approval on a vote of 4-2, with one member recusing himself. On August 5, 2025, the Board of County Commissioners considered the application and denied it on a vote of 2-0, with one Commissioner recusing himself. Resolution 2025 BCC 33 reflects the outcome of that hearing.

Commissioner Bernhardt made a motion to approve Resolution 2025 BCC 33, a Resolution denying a use by special review permit application for the property described as lot 7, Church Subdivision of Munn’s Addition to the City of Brush except the south 26 feet if said lot 7 in a part of the SE1/4 of Section 34, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado also known as 968 North Custer Street, Brush, Colorado as presented by Nicole Hay, Morgan County Planning and Zoning Administrator. Commissioner Malone seconded the motion and motion carried 2-0.

Consideration of approval – Resolution 2025 BCC 34, A Resolution amending the Morgan County Fee Schedule for Planning and Zoning services by the adoption of new fees

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

RESOLUTION NO. 2025 BCC 34

**A RESOLUTION AMENDING THE MORGAN COUNTY FEE SCHEDULE FOR PLANNING SERVICES
BY THE ADOPTION OF NEW FEES**

WHEREAS, the Board of County Commissioners desires to adopt application fees for certain types of permits as described in this resolution.

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

Section 1. The following application fees are hereby adopted and shall be added to the Morgan County Fee Schedule for Planning Services:

	<u>Admin</u>	<u>Full Review</u>
Amendment to Conditional Use	\$200.00	\$600.00
Amendment to Accessory Ground Mounted & Building Mounted Solar Collector Facilities-Non-Residential/Fewer than 2MW	\$500.00	
Major Amendment to Principal Solar Facilities, BESS and Wind Energy Facilities	100% of application fee for original land use permit	
Minor Amendment to Principal Solar Facilities, BESS & Wind Energy Facilities	50% of application fee for original land use permit	

Section 2. The Fee Schedule shall be amended to reflect that the fees adopted in this Resolution control over any general application fees adopted by the Board of County Commissioners.

6 COMMISSIONERS PROCEEDINGS

APPROVED this 19th day of August, 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

Nicole Hay, Morgan County Planning and Zoning Administrator, presented to the Board Resolution 2025 BCC 34, a Resolution amending the Morgan County Fee Schedule for Planning and Zoning services by the adoption of new fees. Ms. Hay stated that she has customers who are wanting to amend current agreements and there are no current fees associated with that. She suggested the following fees:

	<u>Admin</u>	<u>Full Review</u>
Amendment to Conditional Use	\$200.00	\$600.00
Amendment to Accessory Ground Mounted & Building Mounted Solar Collector Facilities-Non-Residential/Fewer than 2MW	\$500.00	
Major Amendment to Principal Solar Facilities, BESS and Wind Energy Facilities	100% of application fee for original land use permit	
Minor Amendment to Principal Solar Facilities, BESS & Wind Energy Facilities	50% of application fee for original land use permit	

Commissioner Malone made a motion to approve Resolution 2025 BCC 34, a Resolution amending the Morgan County Fee Schedule for Planning and Zoning services by the adoption of new fees as presented by Nicole Hay, Morgan County Planning and Zoning Administrator. Commissioner Bernhardt seconded the motion and motion carried 3-0.

Ratify the Board of County Commissioners signatures on letter to Brush Memorial Cemetery granting permission for headstone placement on a County owned plot

Commissioner Bernhardt noted that a family approached the commissioners to allow them access to the burial plot that is owned by Morgan County.

Commissioner Bernhardt moved to approve the motion. Commissioner Malone seconded the motion. The motion passed 3- 0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Kevin Strauch, Morgan County Clerk and Recorder reminded voters that his goal in his office is to be open and transparent and let voters know that questions are always welcomed and encouraged.

Chairman Becker noted that with the legislature convening soon, he recommended that everyone pay attention to what is happening. He encouraged citizens to let their representatives know their thoughts. He noted that there are a variety of things that the legislature will be looking to do that will be negative impact on small business. He stated that he believes that it’s bad government and we shouldn’t put up with it.

Commissioners reviewed the calendar dated August 15, 2025 through August 26, 2025 with changes. Chairman Becker noted that on August 25th on the DHS agency meeting instead of all commissioners, it will be Commissioners Malone and Bernhardt.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

COMMISSIONERS PROCEEDINGS 7

(Minutes ratified September 9, 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
TUESDAY, AUGUST 19TH 2025

Chairman Becker called the hearing to order at 9:40 a.m. on Tuesday, August 19th, 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. Attorney Kathryn Sellars was present via ZOOM.

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 6th 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

The following is an outline of the revised conditions for the Resolution based on the Board's direction to address the requirement of turn lanes on County Road Y during the public hearing on August 5, 2025.

- Public Works is recommending appropriate passage, acceleration and deceleration lanes to be included with the left-hand and right-hand turns lanes onto County Road 19 off of County Road Y. It is possible that the current 60-foot right-of-way of County Road Y is not wide enough to accommodate all lanes, shoulders and drainage requirements. If that is the case, necessary property rights may need to be obtained from adjacent landowners. Any additional property rights will need to be approved by the County prior to the execution of any related documents. The design and construction will be the sole responsibility of CK2 after the plans are reviewed by Public Works and the County's Engineer.
- Along with both turn lanes, speed reduction from 55 mph to 45 mph will also be required if access is not moved to the crest of the hill.
- If the access is moved to the west of County Road 19 to the crest of the hill on County Road Y, Public Works is not recommending turn, passage, acceleration or deceleration lanes, or the speed reduction. However, the proposed conditions reserve the right for the County to assess County Road Y for any traffic and safety concerns in the future. If it is determined there are concerns, those concerns will be reported to the Planning Department. Public hearings before the Planning Commission and the Board will be scheduled to discuss the observations and possibly impose requirements to address these issues.
- If the access is moved, CK2 shall ensure the turning radius for trucks onto and off of County Road Y must be wide enough to prevent the trucks turning into the east bound lanes of County

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

Road Y, regardless of whether trucks are turning right onto County Road Y from the new access or turning right from County Road Y into the new access. Necessary infrastructure and proper drainage at the new access point will be the responsibility of CK2 as directed by Public Works.

Other revisions to the previous staff recommended conditions includes a trigger of “prior to commencement of any activities of any phase”. Besides the necessary building or zoning permits for the proposed buildings in Phase II, there would be no additional County permitting to confirm certain conditions were met. There is always the possibility that the phase won’t be constructed in order. Staff believes all conditions regarding the roads need to be met prior to any activities of any phase unless an alternate timeframe is recommended by the Board.

Nicole Hay,
Morgan County Planning Administrator

DISCUSSION:

Administrator Hay summarized the memo from HDR.

Commissioner Malone said that he believes the right hand turn lane wouldn’t be necessary. He would like to see the speed limit decrease even further to 35 mph.

Commissioner Bernhardt agreed with Commissioner Malone’s comments.

Commissioner Bernhardt asked if the applicants have had any more conversation with Mr. Longacre regarding the access?

Travis Hertneky stated they have met with him on site and went over options. They have an agreement put together but nothing is finalized yet. Their favorable option is to close County Road 19 and move the access to the top of the hill on Longacre’s property. He believes the eastbound turn lane would be sufficient.

Commissioner Malone asked where is the most traffic?

Travis Hertneky said it’s primarily to the west.

Chairman Becker asked what the timeline is on this?

Travis Hertneky proposed 365 days from today.

PUBLIC COMMENT OPEN: None

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Malone stated he would like to remove the right hand turn language, remove the language that states “both lanes”, and remove the west bound acceleration lane with preserving the right to implement them in the future if needed. He also would like to have the speed limit reduced to 35 from 55 unless the access is moved to the crest of the hill.

Attorney Sellars listed out the Board’s requests as follows: The elimination of the right hand turn lane and the acceleration lane on the north side of County Road Y, the preservation of the right of the Board to readdress this intersection if necessary, one year to complete the east bound turn lane at County Road Y and County Road 19, temporary signage during silage season, and a speed reduction to 35 if the access remains at County Road 19 but preserving the right to readdress the speed reduction if the access is to be moved.

Commissioner Malone motioned to approve 2025 BCC 35 with the modifications as listed: Omit the right turn lane and the access lane on County Road Y accessing County Road 19, preserving the right for changes in the future if deemed necessary, putting a 1-year completion date, the possibility of temporary signage being placed in the area during silage season, reduction of the speed from 55 to 35 on County

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

Road 19. All modifications hold unless the landowner and developer come to an agreement to move the access on the property to a different location. At that time, those modifications will be readdressed.

Commissioner Bernhardt seconded.

Motion carries, 3-0.

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

RESOLUTION 2025 BCC 35

A RESOLUTION CONDITIONALLY APPROVING A USE BY SPECIAL REVIEW PERMIT ISSUED FOR A CONFINED ANIMAL FEEDING OPERATION 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 6TH P.M., MORGAN COUNTY, COLORADO, ALSO KNOWN IN PART AS 24592 COUNTY ROAD 19, FORT MORGAN, COLORADO AND GRANTING VESTED RIGHTS

WHEREAS, CK2 Cattle Company (“CK2”) and Riverside Irrigation District (collectively the “Owners”) applied for a special use permit for a confined animal feeding operation (“CAFO”), more specifically a dairy heifer raising operation or alternatively, a feedlot, for up to 25,850 animal units and consisting of three phases (“Application”);

WHEREAS, the Owners own 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 6th P.M., Morgan County, Colorado, (“Property”);

WHEREAS, the Owners have concurrently applied for vested rights associated with the Application for a total of ten (10) years;

WHEREAS, on July 14, 2025, after holding a duly noticed public hearing, the Morgan County Planning Commission recommended that the Application be conditionally approved;

WHEREAS, on August 5 and 19, 2025, 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 CK2, Morgan County staff and the public; and

WHEREAS, the Board desires to conditionally approve the Application.

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

1. APPROVAL

- a. The Application is hereby granted subject to the conditions and terms contained in this Resolution. This Resolution shall constitute the special use permit (hereinafter referred to as this “Resolution” or the “Permit”). This Permit is granted for a dairy heifer raising operation and a feedlot up to 25,850 animal units. CK2 may operate a dairy heifer raising operation or a feedlot on the Property pursuant to the conditions in this Permit.
- b. The County approves vested rights for a period of ten (10) years from the date of approval of this Resolution. The vested rights granted herein shall not prohibit enforcement of the conditions and terms of this Permit.

2. FINDINGS OF FACT

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

- a. CK2 plans to implement the use approved pursuant to this Permit as follows:
 - i. 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 will be outside and adjacent to the floodplain.
 - ii. 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.
 - iii. 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.
- b. 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 and feedlot operations are a vital part of the agricultural industry.

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

- c. The application documents are complete and present a clear picture of how the use is to be arranged on the site.
- d. The site plan conforms to the district design standards of the Morgan County Zoning Regulations.
- e. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures, with the exception of traffic impacts and potential public safety concerns related to the movement of and impact on traffic as a result of the dairy heifer raising and feedlot operations approved pursuant to this Permit on County Road Y. Specifically, there is significant danger to vehicles on County Road Y because of the lack of visibility due to a hill located to the west of the intersection of County Roads Y and 19, which is the current access to the Property. Due this lack of visibility, there is a high probability of accidents as a result of vehicles associated with the use of the Property approved pursuant to this Permit exiting County Road Y. In addition, the increased traffic due to the use approved pursuant to this Permit will likely cause traffic congestion on County Road Y, which is not currently constructed to handle this increased traffic. Further, trucks turning right from County Road 19 to County Road Y and trucks turning right from County Road Y onto County Road 19 do not have a sufficient radius to make the turn without entering the east bound lane of County Road Y. To address these traffic impacts and safety issues, the Board imposes the conditions below, including the construction of a turn lane and reduced speed. If an alternative access is located as described in this Permit, the safety issues related to potential accidents is decreased but concerns regarding the increased traffic to the Property for the use approved under this Permit remain and require certain conditions imposed in this Permit.
- f. The special use proposed has been made compatible with the surrounding uses and is adequately buffered as determined by the County.
- g. The special use poses no or minimal risk to the public health, safety and welfare.
- h. The special use proposed is located on a conforming parcel.
- i. The Owners have 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.
- j. The Owners have demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability.

3. CONDITIONS

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

The approval of the special use permit is conditioned upon the following:

- a. CK2 shall 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 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.
- b. Prior to commencement of any activities in Phase III, the house and sheds will be removed.
- c. Prior to commencement of any activities intended to begin 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 and verify that the berm height is at least 2 feet above the BFE for critical facilities.
- d. Any proposed modifications to the existing structures within the floodplain shall comply with current floodplain management standards and obtain a floodplain development permit if required.
- e. If CK2 intends for County Road 19 to remain the access to the Property and the operations approved under this Permit, it must comply and satisfy with the following conditions within one year of the approval of this Permit:
 - i. CK2 shall be responsible for a survey to determine the right-of-way for County Road 19. 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 increase the turn radius onto and from County Road Y, CK2 shall widen County Road 19 and construct the turning radius as described in this condition and directed by the Public Works Department at its sole cost. 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 it currently exists. The widened portion and turning radius shall be asphalted to match the existing asphalt. CK2 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.

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

- ii. CK2 must submit plans to construct a left-hand turn lane from County Road Y to County Road 19 allowing for an appropriate passage lane to accommodate the left-hand turn lane from County Road Y to County Road 19 and construct all necessary improvements to County Road Y. Such plans shall be prepared and signed by a licensed Colorado engineer with an expertise in traffic and road construction. The plans must also address the drainage on the north and south side of County Road Y. The lanes shall be designed to accommodate maximum harvest time traffic onto and off of County Road 19. The Public Works Department shall review such plans with the County Engineer. The Public Works Department shall notify CK2 of the approval of such plans or alternatively, of any necessary changes within thirty (30) days of receipt of the plans from CK2. Once the County has approved the plans, CK2 shall be responsible for all construction, paving and striping of the lanes in accordance with Model Uniform Traffic Control Device Code and all associated costs. The County may require the County Engineer to inspect the work at any point. If it is necessary to widen County Road Y to accommodate the additional turn lane, drainage and any necessary road infrastructure, the County may assist CK2 in obtaining any necessary property rights for the County from adjacent landowners. Any necessary property rights from adjacent landowners shall be approved by the Board of County Commissioners prior those rights being conveyed or granted to the County.
- iii. CK2 shall be responsible for the payment of all costs and fees, including staff time, incurred by the County for the placement of two new 35 mph signs and two new 55 mph signs on County Road Y.
- iv. To ensure safety of traveling vehicles, CK2 is required to place temporary signage along County Road Y during any silage delivery period which occurs prior to the completion of the improvements described in this condition (e), alerting vehicles to turning trucks. CK2 shall work with the Public Works Department on appropriate signage and location.
- f. The County reserves the right to determine, after the construction of the improvements described in condition (e), whether traffic congestion or public safety issues remain at the County Road Y and 19 intersection. If the Public Works Department, or its designee, determines that there is traffic congestion or safety concerns from the use approved pursuant to this Permit, it shall report such observations to the Planning Department. Upon receipt of that report, the Planning Department shall set the matter for a public hearing before the Planning Commission for review and recommendation to the Board of County Commissioners and then for a public hearing before the Board of County Commissioners for a final decision on whether additional conditions will be imposed to address either of these issues. Notice for the public hearings shall be the same as required for a special use permit. Upon the determination to set the matter for public hearing before the Planning

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

- Commission and prior to publication of the notice of the public hearing, CK2 shall be notified of the determination in writing.
- g. If CK2 is able to relocate the access to the Property west from the current location at County Road 19 to the crest of the hill on County Road Y, CK2 shall ensure that the turning radius for trucks from that private access onto County Road Y is sufficiently wide to prevent trucks that are turning right on to County Road Y from using the east bound lane of County Road Y and trucks turning into the new access from westbound County Road Y from using the east bound lane of County Road Y. Further, any new access shall not interfere with water drainage through the borrow ditch on the north side of County Road Y and CK2 is responsible for constructing and installing any necessary infrastructure to ensure proper drainage. Any new access onto County Road Y must be approved by the Public Works Department and the Public Works Department may impose any conditions on the driveway permit to ensure compliance with this condition. The construction of the new access in compliance with this condition must be completed within one year of the approval of this Permit.
 - h. If the alternative access described in condition (g) above is constructed and approved, the County reserves the right to determine whether traffic into and from the new access results in traffic congestion or public safety concerns. If the Public Works Department, or its designee, determines that there is traffic congestion or safety concerns due to the new access and traffic from the use approved pursuant to this Permit, it shall report such observations to the Planning Department. Upon receipt of that report, the Planning Department shall set the matter for a public hearing before the Planning Commission for review and recommendation to the Board of County Commissioners and then for a public hearing before the Board of County Commissioners for a final decision on whether additional conditions will be imposed to address either of these issues. Notice for the public hearings shall be the same as required for a special use permit. Upon the determination to set the matter for public hearing before the Planning Commission and prior to publication of the notice of the public hearing, CK2 shall be notified of the determination in writing.
 - i. During any road work under this Permit, CK2 shall provide any necessary personnel and signage to manage traffic along County Road Y as directed by the Public Works Department.
 - j. The Owners shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit pursuant to Sec. 2-160 of the Morgan County Zoning Regulations, including costs and fees associated with any conditions in this Permit. The County shall invoice the Owners for costs and fees and payment will be due by the Owner within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County and revocation of this Permit.

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

- k. All other third-party permits, approvals and authorizations required under other applicable law will be obtained prior to the commencement of operations approved under this Permit.

4. 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 CK2. This approval is conditioned on compliance with all information and representations contained in the Application and presented by CK2, or CK2's agent, which are incorporated into this Permit. If any representations or information presented by CK2, or CK2's agent, 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 CK2 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. CK2 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. CK2 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 19th day of August, 2025.

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

Jon J. Becker, Chair

Tim A. Malone, Commissioner

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

Kelvin S. Bernhardt, Commissioner

ATTEST:

Kevin Strauch, Clerk to the Board

GENERAL BUSINESS - Closure of County Road 19 between County Road Y and County Road AA

DISCUSSION:

John Goodman with Morgan County Road and Bridge presented this to the Board of County Commissioners, stating Morgan County Road and Bridge are not in objection to the closing of County Road 19.

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Bernhardt motioned that pending notification from adjacent landowners along County Road 19, the County will maintain the right-of-way but County Road 19 will be closed to the public and the appropriate signage will be placed at the landowners cost.

Commissioner Malone seconded.

Motion carries, 3-0.

Being no further business, the meeting was adjourned at 10:20 a.m.

Respectfully Submitted,

Jenafer Santos

Planning Technician

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

Jon J. Becker, Chair

Tim A. Malone, Commissioner

Kelvin S. Bernhardt, Commissioner

ATTEST:

BOARD OF COUNTY COMMISSIONERS
PLANNING AND ZONING — PUBLIC HEARING MINUTES
TUESDAY, AUGUST 19TH 2025

Kevin Strauch, Clerk to the Board