

COMMISSIONERS PROCEEDINGS 1

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting
September 16, 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/84340730060> 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 September 15, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/84340730060> listen via phone, please dial: 1-312-626-6799, Meeting ID: 843 4073 0060

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: 843 4073 0060

The Board of Morgan County Commissioners met Tuesday, September 16, 2025 at 9:02 a.m. Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt were in attendance. Chairman Becker asked Pete Wagner reporter for Media Logic Radio to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated September 2, 2025.
2. Ratify Chairman Jon Becker's signature on **August 2025 Morgan County Warrants, signed September 15, 2025.**
3. Ratify Chairman Jon Becker's signature on **Morgan County Public Trustee Report**, time period July 2025 through August 2025.
4. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 073Peregrine Services, Inc.**, Term of Contract through mailing of 2025 property tax notices in January, 2026.
5. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 074 Anita Cornwell**, Term of Contract September 2, 2025 through December 31, 2025.
6. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 075 Center for Healing Trauma and Attachment, INC. (CHTA)**, Term of Contract June 1, 2025 through May 31, 2026.
7. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 076 Annemari Heywood, LLC.**, Term of Contract June 1, 2025 through May 31, 2026.
8. Ratify the Board of County Commissioners approval of **Contract between Larimer County Coroner's office and Morgan County Coroner's office** for the purchase of equipment.
9. Ratify the Board of County Commissioners approval of **Tuition Reimbursement Agreement for current Morgan County employee Rebecca Kinzie**, signed September 15, 2025.
10. Ratify the Board of County Commissioners approval of **Request for Waiver of Rental Fees for Unbound Courage**, signed September 16, 2025.

At this time, Commissioner Bernhardt made a motion to approve items 1-10 as presented; Commissioner Malone seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Letter of Support to keep NECALG as Enterprise Zone Administrator

Chairman Becker presented to the Board a Letter of Support to keep NECALG as Enterprise Zone Administrator. Chairman Becker explained that NECALG currently validates enterprise zone funding that is received and this Letter of Support would help to keep NECALG in that role.

Commissioner Malone made a motion to approve a Letter of Support to keep NECALG as Enterprise Zone Administrator as outlined by Chairman Becker. Commissioner Bernhardt seconded the motion and motion carried 3-0.

Consideration of Approval – Resolution 2025 BCC 37 A Resolution allowing the closure of Morgan County Road 19 Between County Roads Y and AA MORGAN COUNTY, COLORADO

MORGAN COUNTY, COLORADO

2 COMMISSIONERS PROCEEDINGS

BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2025 BCC 37

WHEREAS, the County owns and controls County Road 19 within the County of Morgan, Colorado;

WHEREAS, the County has received a request from CK2 Cattle Company (“CK2”), a property owner, whose property accessed from and located adjacent to County Road 19, to close County Road 19 between County Roads Y and AA;

WHEREAS, County Road 19 is used as access for properties that are owned or will be owned by CK2;

WHEREAS, the closure is requested to limit public access to reduce access to CK2’s properties and to avoid conflicts between public vehicle traffic and CK2’s CAFO operations on its property approved in Resolution 2025 BCC 35;

WHEREAS, the Commissioners desire to close this portion of County Road 19 as shown on Exhibit A, attached hereto;

WHEREAS, this closure shall not be deemed to be an abandonment or a vacation of the closed portion of County Road 19 and the County retains all rights to County 19, including the right to rescind this Resolution and open County Road 19 to public access; and

WHEREAS, CK2, along with its invitees, shall be provided access to the closed portion of the road as needed to access their property and may install a gate as provided for in this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

Section 1. The portion of County Road 19 shown on the attached Exhibit A is hereby ordered closed to public traffic; provided that the property owner, CK2 and its invitees, are authorized to access said property.

Section 2. CK2 is authorized to install a gate; provided its exact location and design are approved in advance of its installation by the Morgan County Public Works Department; and provided further, that Morgan County, including but not limited to all emergency services agencies, are provided with a means to open the gate at will. If no gate is installed, CK2, in coordination with the Morgan County Public Works Department, shall install signage to inform the public that the identified portion of County Road 19 is closed to public access. Further, while this Resolution is in effect, the County will not be responsible for road maintenance on the closed portion of County Road 19. CK2 is authorized to conduct the necessary maintenance on this portion of County Road 19 to access its property.

Section 3. The Morgan County Board of County Commissioners may reopen the closed portion of County Road 19 at any time it determines it to be in the best interests of the County and its residents. If the roadway is reopened, the property owner shall remove the gate at its expense, if such gate has been installed.

DATED this 16th day of September, 2025.

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

s/Jon J. Becker

Jon J. Becker, Chairman

s/Timothy A. Malone

Timothy A. Malone, Commissioner

s/Kelvin S. Bernhardt

Kelvin S. Bernhardt, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch

Kevin Strauch

Commissioner Bernhardt, presented to the Board Resolution 2025 BCC 37 A Resolution allowing the closure of Morgan County Road 19 Between County Roads Y and AA. Commissioner Bernhardt noted that this was discussed at a previous meeting.

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Commissioner Bernhardt made a motion to approve Resolution 2025 BCC 37 A Resolution allowing the closure of Morgan County Road 19 Between County Roads Y and AA as outlined by Commissioner Bernhardt. Commissioner Malone seconded the motion and motion carried 3-0.

Consideration of Authorization for a Morgan County Commissioner to serve as the designated signatory for the underfunded courthouse funding grant

Commissioner Bernhardt, presented an Authorization for a Morgan County Commissioner to serve as the designated signatory for the underfunded courthouse funding grant. Commissioner Bernhardt noted that they were approached by the judges of the courthouse for the grant. It would be to help to remodel part of the District Attorney's Office and parts of the courtrooms.

Commissioner Malone made a motion to approve the Authorization for Commissioner Bernhardt to serve as the designated signatory for the underfunded courthouse funding grant as presented by Commissioner Bernhardt. Chairman Becker seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder, Kevin Strauch noted that the ballot has been created for the 2025 Coordinated Election and that the process of the election will continue from there. He also noted that sample ballots will be available online soon.

Commissioners reviewed the calendar dated September 12, 2025 through September 23, 2025 with no changes.

Being no further business the meeting was adjourned at 9:09 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified October 7, 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, SEPTEMBER 2ND 2025

Chairman Becker called the hearing to order at 9:21 a.m. on Tuesday, September 2nd, 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 and Landowner: The City of Fort Morgan

Legal Description: A parcel of land in the SE $\frac{1}{4}$ Section 34 Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado aka 18169 County Road 22, Fort Morgan, CO 80701.

Request: To amend the existing Special Use Permit to update and expand the City of Fort Morgan Waste Water Treatment Facility.

LANDOWNERS and APPLICANTS: City of Fort Morgan

The City of Fort Morgan has submitted an application to amend its special use permit, which was originally granted through Resolution 95 BCC 8. The original SUP was issued for a new wastewater treatment plant. The amendment would allow for its update and expansion.

The current permitted area is in a part of the SE $\frac{1}{4}$ of Section 34, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, also known as 18169 County Road 22, 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 AE.

Along with several changes and upgrades internal to existing buildings and equipment there are proposed additions to the site that include:

- Addition of a splitter box
- Splitting the 2 large existing biological nutrient reactor (BNR) basins into 4 smaller BNR basins and adding a 5th one
- Expansion of the main building connecting a new blower room
- Adding a third clarifier
- Removal of discharge weir
- Adding a maintenance garage
- Adding a digester
- Expanding the solids handling building

The proposed overall construction activities will be ongoing through October 2027.

In addition to the permit application, packets for the Board of County Commissioners hearing include referral responses from Morgan Conservation District, Xcel Energy and Colorado Parks and Wildlife (CPW). Xcel has no apparent conflict. CPW has some recommendations regarding high priority habitats in the area, raptor and migratory birds, wetlands and vegetation re-seeding.

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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:

Ensure that adequate and financially secure public utilities are provided to all developments in Morgan County and to develop essential facilities and services which contribute to providing high quality of life for the residents of Morgan County. The expansion and update of the wastewater treatment facility will allow and encourage development within the growth management area of Fort Morgan.

- 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.

The operation impacts are expected to be minimal. The City of Fort Morgan and Merrick & Company as the engineer are in conversations with the Upper Platte and Beaver Canal to discuss any improvement that can be made to mitigate groundwater impact on the project. The execution of a road use agreement regarding the maintenance of County Road 22 during construction is a proposed condition of approval.

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

Adjacent uses include Interstate 76 right-of-way to the north and farmland to the south on the other side of the Upper Platte and Beaver Canal. To the east, across County Road 22 and on the other side of the Upper Platte and Beaver Canal, there is a residence. The current use is not changing and the facility has been there since 1995.

- 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 purpose of this project is to protect public health and the environment by treating wastewater prior to discharge to the South Platte River.

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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.

CDPHE has issued regulatory restrictions on the South Platte River pertaining to nutrient removal and limiting water quality degradation. The facility's upgrade allows its ability to meet the current and future regulatory requirements. 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 is currently available and will not change.

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on August 11, 2025.

A neighboring property owner expressed his concerns regarding the odor of the sludge byproduct that is piled and spread on the farm approximately ½ a mile to the east of the special use boundary.

The Planning Commission motioned for recommended conditional approval as presented.

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

Recommendation

The application generally meets the criteria as explained above and staff recommends approval of the application subject the following conditions:

1. The Applicant shall submit the updated CDPHE permit to the Planning Department within 10 days of receipt.
2. The Applicant shall supply any agreement made with the Upper Platte and Beaver Canal to the Planning Department within 10 days of execution of such agreement.
3. Prior to the commencement of construction, the Applicant will enter into a road use agreement with Morgan County regarding the maintenance of County Road 22 during construction. Such agreement must be approved by the Board of County Commissioners.
4. Prior to commencement of construction, the Applicant shall obtain a building permit through the Building Department along with a floodplain development permit.

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Nicole Hay,
Morgan County Planning Administrator

DISCUSSION:

Brent Nation, City Manager for the City of Fort Morgan and Andrew Stewart with Merrick & Company presented this application to the Board.

Brent Nation added that this upgrade is to be able to comply with the health department requirements and the state requirements.

Commissioner Bernhardt asked if there will be any changes in odor with this amendment? Can you explain how the water is treated?

Andrew Stewart described the treatment process. He explained that once the solids are removed from the site and are transferred to the farm ground to be spread, that can increase the odor. That is not a part of this application however, since that is on a separate parcel.

Commissioner Bernhardt asked if there are regulations for how long the pile can be on the site at a certain time?

Andrew Stewart stated that CDPHE requires it to be land applied within a week.

Commissioner Malone asked if the location of where the solids are spread won't move with this amendment?

Andrew Stewart answered no, per CDPHE requirements.

PUBLIC COMMENT OPEN:

Gary Foos, 18172 Co Rd 22, Fort Morgan stated that he is not opposed to the project. He does have concerns about the current state of the road. It is in poor condition and it was supposed to be oiled to minimize impacts to the road.

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER DISCUSSION:

Commissioner Malone asked what the distance is from HWY 34 to the treatment plant?

Brent Nation said it is about ½ mile.

Chairman Becker asked what the traffic count is?

Andrew Stewart stated it is about 10% - 15% for a period of 2 years during construction.

Commissioner Bernhardt motioned to approve the Amended Special Use permit to update and expand the City of Fort Morgan wastewater treatment plant facility with all conditions and recommendations as stated.

Commissioner Malone seconded.

Motion carries, 3-0.

Being no further business, the meeting was adjourned at 9:45 a.m.

Respectfully Submitted,

Jenafer Santos

Planning Technician