

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS
Morgan County Board of Social/Human Services
Minutes of Meeting
November 18, 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/84651421268> 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 November 17th, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/84651421268> listen via phone, please dial: 1-312-626-6799, Meeting ID: 846 5142 1268

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/84651421268> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 846 5142 1268

The Board of Morgan County Commissioners met on Tuesday, November 18, 2025 at 9:01 a.m. with Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt in attendance. Chairman Becker asked Susan Nitzel, DHS Accounting Manager 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 October 21, 2025

Chairman Becker presented for review and approval the Department of Human Services Minutes dated October 21, 2025. A motion was made by Commissioner Bernhardt to approve the minutes as presented with Commissioner Malone seconding the motion. The motion carried 3-0.

Consideration of Approval – DHS WARRANTS – August 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 August 2025. Ms. Nitzel summarized the operating warrants as being a total of \$300,427.64 for operating costs and direct deposits for payroll were \$233,535.53, which totaled \$533,963.17. Ms. Nitzel stated that there was about \$80,000 spent less due to the county interfund having to be caught up with in July and not in August. She noted that the contract payments were similar but grants were higher.

Commissioner Malone made the motion to approve the warrants as presented for August 2025 in the amount of \$533,963.17 as presented and authorized the Chairman to sign with Commissioner Bernhardt seconding the motion. Motion carried 3-0.

Consideration of Approval – DHS WARRANTS – September 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 September 2025. Ms. Nitzel summarized the operating warrants as being a total of \$261,526.74 for operating costs and direct deposits for payroll were \$229,793.05, which totaled \$491,319.79. Ms. Nitzel stated that September was a bit higher than in July. She noted that the majority of that was due to the County Interfund again.

Commissioner Malone made the motion to approve the warrants as presented for September 2025 in the amount of \$491,319.79 as presented and authorized the Chairman to sign with Commissioner Bernhardt seconding the motion. Motion carried 3-0.

Consideration of Approval – DHS CERTIFICATION OF PROVIDER AND VENDOR BENEFIT AUTHORIZATIONS – August 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 August 2025. Ms. Nitzel summarized the Certification of Provider and Vendor Benefit Authorizations indicating the monthly total of \$853,583.60. Ms. Nitzel stated there was a \$2,400 drop from July. From 2024 to 2025 there was a decrease of \$71,000. The largest changes were in TANF and foster care.

Commissioner Bernhardt made the motion to approve the Certification of Provider and Vendor Benefits as presented for August 2025 in the amount of \$853,583.60 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 – September 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 September 2025. Ms. Nitzel summarized

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the Certification of Provider and Vendor Benefit Authorizations indicating the monthly total of \$847,016.93. Ms. Nitzel stated there was a decrease of \$6,000 from August due to child care going down and core services going up. From year to year, there was a decrease of \$23,000 mostly due to TANF.

Chairman Becker asked if there were fluctuations in foster care. Ms. Nitzel and Ms. Frenier noted that it's a day to day charge and that there have been more kinship placements than previously.

Commissioner Malone made the motion to approve the Certification of Provider and Vendor Benefits as presented for September 2025 in the amount of \$847,016.93 as presented and authorized the Chairman to sign, with Commissioner Bernhardt seconding the motion. Motion carried 3-0.

Director Frenier let citizens know that LEAP utility assistance program is now available in their office or on PEAK. She noted that SNAP benefits are now available. Chairman Becker thanked Ms. Frenier and her staff for their hard work and caring during the government shutdown.

There being no further business, the Board stood in recess at 9:15 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

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
November 18, 2025

As reflected in posted agenda:

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The Board of Morgan County Commissioners met Tuesday, November 18, 2025 at 9:16 a.m. Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt were in attendance.

CITIZEN'S COMMENT

Pete Wagner, 320 E. Platte Avenue in Fort Morgan, spoke about a fundraiser for John Waters this Saturday at the Morgan County Fairgrounds at 5:30pm for dinner and 7:30pm for a live auction. He noted that Mr. Waters has had a successful liver transplant and that funds will be used for his medical bills.

Patrick Bernahl of 1800 Broadway in Denver, explained that he is a lawyer for Pawnee Solar who are here today for a presentation.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated October 21, 2025.
2. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 080 Keefe Construction, Inc.**, Term of Contract October 09, 2025 through May 09, 2026.
3. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 81 Leads Online LLC**, Term of Contract November 1st, 2025 through December 31st, 2025.
4. Ratify Chairman Jon Becker's signature on **Morgan County Public Trustee Report**, time period October, 2025.
5. Ratify the Board of County Commissioners approval of **Training Agreement for current Morgan County employee Anita Cornwell**, signed November 18th, 2025.
6. Ratify renewal of Liquor License for The Flame Steakhouse
7. Ratify renewal of Liquor License and Dance Hall for Clavis Club of Morgan County, INC.
8. Ratify the Board of County Commissioners approval of **Request for Waiver of Rental Fees for Cal Bartels – Rocky Mountain Elk Foundation**, signed October 30th, 2025
9. Ratify the Board of County Commissioners approval of **Request for Waiver of Rental Fees for Peggy Lough – Colorado pony of America**, signed November 13th, 2025
10. Ratify the Board of County Commissioners approval of amendment to **Contract 2024 CNT 042 Tyler Technologies**, Term of contract August, 2024 through August, 2026

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

Consideration of Approval – Bid Award-RFP 2025-1023-001 Fuel

Morgan County Public Works Director, Bruce Bass, presented to the Board for approval Bid Tabulation and Award RFP 2025-1023-001 Fuel. Mr. Bass explained he received four bids, a bid from Pynergy Petroleum in the amount of \$7,075.00, a bid from Senergy Petroleum in the amount of \$6,675.00, a bid from Austin Logistics LLC in the amount of \$67,450.00 and a bid from G4 Energy, LLC in the amount of \$9,430.00. Mr. Bass further summarized the details of each bid submitted.

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TABULATION							
RFP 2025-1023-001 Fuel							
* Based on the resellers price per gallon		DELIVERY OF		DELIVERY OF			
VENDOR	LOCATION	QTY.	#2 DIESEL	TOTAL PRICE	QTY.	UNLEADED	TOTAL PRICE
Pynergy Petroleum	Fort Morgan	75,000	0.0200	\$1,500.00	65,000	0.0200	\$1,300.00
Commerce City, CO	14 MI. N. of Ft. Morgan	4,000	0.2000	\$800.00			
	13 MI. S. of Ft. Morgan	4,000	0.2000	\$800.00			
	Weldona	8,000	0.0500	\$400.00			
	Wiggins	8,000	0.0500	\$400.00			
	Landfill	5,500	0.0500	\$275.00			
	Snyder Tank	4,000	0.2000	\$800.00			
	16 MI. S. of Brush	4,000	0.2000	\$800.00			
				\$5,775.00			
					TOTAL BID	\$1,300.00	\$7,075.00
Senergy Petroleum	Fort Morgan	75,000	0.0200	\$1,500.00	65,000	0.0100	\$650.00
Arvada, CO	14 MI. N. of Ft. Morgan	4,000	0.1500	\$600.00			
	13 MI. S. of Ft. Morgan	4,000	0.1500	\$600.00			
	Weldona	8,000	0.1100	\$880.00			
	Wiggins	8,000	0.1100	\$880.00			
	Landfill	5,500	0.1100	\$605.00			
	Snyder Tank	4,000	0.1200	\$480.00			
	16 MI. S. of Brush	4,000	0.1200	\$480.00			
				\$6,025.00			
					TOTAL BID	\$650.00	\$6,675.00
Austin Logistics LLC	Fort Morgan	75,000	0.3800	\$28,300.00	65,000	0.3800	\$24,700.00
Detroit, MI	14 MI. N. of Ft. Morgan	4,000	0.3800	\$1,520.00			
	13 MI. S. of Ft. Morgan	4,000	0.3800	\$1,520.00			
	Weldona	8,000	0.3800	\$3,040.00			
	Wiggins	8,000	0.3800	\$3,040.00			
	Landfill	5,500	0.3800	\$2,090.00			
	Snyder Tank	4,000	0.3800	\$1,520.00			
	16 MI. S. of Brush	4,000	0.3800	\$1,520.00			
				\$12,750.00			
					TOTAL BID	\$24,700.00	\$67,450.00
G4 Energ. LLC	Fort Morgan	75,000	0.0100	\$750.00	65,000	0.0500	\$3,250.00
Denver, CO	14 MI. N. of Ft. Morgan	4,000	0.2100	\$840.00			
	13 MI. S. of Ft. Morgan	4,000	0.2000	\$800.00			
	Weldona	8,000	0.1000	\$800.00			
	Wiggins	8,000	0.1000	\$800.00			
	Landfill	5,500	0.1000	\$550.00			
	Snyder Tank	4,000	0.2000	\$800.00			
	16 MI. S. of Brush	4,000	0.2100	\$840.00			
				\$6,180.00			
					TOTAL BID	\$3,250.00	\$9,430.00

***Current mandatory fees for unleaded and diesel is not included in seller's price per gallon on tabulation.

At this time, Mr. Bass recommended the bid be awarded to Senergy Petroleum, who was the lowest bidder in the amount of \$6,675.00.

Commissioner Bernhardt made a motion to accept the Bid Tabulation and Award RFP 2025-1023-001 Morgan County Fuel to Senergy Petroleum in the amount of \$6,675.00, as recommended by Morgan County Public Works Director, Bruce Bass, with Commissioner Malone seconding the motion. At this time motion carried 3-0.

Consideration of approval – Introduction and First Reading of Ordinance No. 2, Series 2025, An Ordinance Allowing the Operation of Off-Highway Vehicles on All County Roads Located in Unincorporated Areas of Morgan County and Providing Penalties For Violations of The Ordinance

Morgan County Attorney, Kathryn Sellers explained that this pertains to OHV and ATV's that are operated by drivers twenty-one years and older that possesses a valid driver's license to drive on county roads. She noted that the vehicles would need to be licensed with Colorado Parks and Wildlife and with proper safety equipment.

Morgan County Sheriff, Dave Martin noted that this ordinance was requested by several members of the communities. He noted that farmers already have this ability in the duties of their work. He explained that he is in favor of this ordinance but doesn't believe it will address what it's proponents would like it to.

Commissioner Malone made a motion to approve the Ordinance No. 2, Series 2025, An Ordinance Allowing the Operation of Off-Highway Vehicles on All County Roads Located in Unincorporated Areas of Morgan County and Providing Penalties For Violations of The Ordinance as presented for the first reading; Commissioner Bernhardt seconded the motion. The motion carried 3-0.

Consideration of Approval Road Use Agreement with Pawnee Solar LLC

Morgan County Public Works Director, Bruce Bass presented to the Board for approval a Road Use Agreement with Pawnee Solar LLC. Mr. Bass stated that Pawnee Solar has submitted a haul route proposal that is to be used with 2023 BCC 19 and BCC 20. Mr. Bass explained the proposed route and other required documentation. He noted that Pawnee Solar worked hard to return all documents in time for the meeting.

Commissioner Bernhardt made a motion to approve a Road Use Agreement with Pawnee Solar LLC as presented. Commissioner Malone seconded the motion. At this time, the motion carried 3-0.

Consideration of Approval–Resolution 2025 BCC 40 a resolution approving an amended plat to be known as the Morgan Community College Amended Plat of lots 1 and 2, Life Fellowship Church Minor Subdivision located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 57 West of the 6th P.M. Morgan County, Colorado

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2025 BCC 40

A RESOLUTION APPROVING AN AMENDED PLAT TO BE KNOWN AS THE MORGAN COMMUNITY COLLEGE AMENDED PLAT OF LOTS 1 AND 2, LIFE FELLOWSHIP CHURCH

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MINOR SUBDIVISION LOCATED IN THE NE 1/4NE1/4 OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6TH P.M. MORGAN COUNTY, COLORADO

WHEREAS, International Church of the Foursquare Gospel (“Owner”) owns Lot 1 and Lot 2 of the Life Fellowship Church Minor Subdivision located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado;

WHEREAS, Morgan Community College (“Applicant”) submitted an application on behalf of the owner for an amended plat to reconfigure the line between Lot 1 and Lot 2 (the “Application”);

WHEREAS, on October 21, 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. No additional lots will be created.
 - b. The reconfiguration is keeping with the purpose and intent of the Morgan County Subdivision Regulations.
 - c. The resultant lots will meet the required minimum lot size and lot width of the applicable zoning district.
 - d. The reconfiguration will not create a nonconforming setback for any existing buildings.
 - e. The resulting lot will meet the requirements of the applicable zone district, including those requirements in Table 1 of Appendix B of the Morgan County Zoning Regulations.
 - f. The reconfiguration will not adversely affect access, drainage or utility easement or rights-of-way serving the property or other properties.
 - g. The reconfiguration is consistent with the goals and policies of the County’s Comprehensive Plan.
2. The Board hereby approves the Morgan Community College Amended Plat, an amended plat of Lots 1 and 2, Life Fellowship Church Minor Subdivision located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado.

DATED this 18th day of November, 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 Department Director, presented to the Board the Resolution 2025 BCC 40 a resolution approving an amended plat to be known as the Morgan Community College Amended Plat of lots 1 and 2, Life Fellowship Church Minor Subdivision located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 57 West of the 6th P.M. Morgan County, Colorado. Ms. Hay said that on October 21, 2025, the Board of County Commissioners reviewed and considered an application submitted by Morgan Community College. This application is for an amended plat to reconfigure the line between Lot 1 and Lot 2 of the Fellowship Church Minor Subdivision located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 57 West of the 6th P.M., Morgan

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County, Colorado. The amended plat will be the Morgan Community College Amended Plat of Lots 1 and 2, Life Fellowship Church Minor Subdivision. The Board of County Commissioners approved it on a vote of 3-0. Resolution 2025 BCC 40 reflects the outcome of that hearing.

Commissioner Malone made a motion to approve the Resolution 2025 BCC 40 a resolution approving an amended plat to be known as the Morgan Community College Amended Plat of lots 1 and 2, Life Fellowship Church Minor Subdivision located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 57 West of the 6th P.M. Morgan County, Colorado, as presented by Nicole Hay, Morgan County Planning and Zoning Department Director, Commissioner Bernhardt seconded the motion. At this time the motion carried 3-0.

Consideration of Approval—Resolution 2025 BCC 41 a resolution granting a use by special review permit for a millwright and fabrication business on the property located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado and terminating a special use permit for a confined animal feeding operation on the same property

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

RESOLUTION 2025 BCC 41

A RESOLUTION GRANTING A USE BY SPECIAL REVIEW PERMIT FOR A MILLWRIGHT AND FABRICATION BUSINESS ON PROPERTY LOCATED IN THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 57 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO AND TERMINATING A SPECIAL USE PERMIT FOR A CONFINED ANIMAL FEEDING OPERATION ON THE SAME PROPERTY.

WHEREAS, Terry W. and Connie R. Tormohlen (the “Owners”) own property located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado and addressed as 19900 County Road N, Fort Morgan, Colorado (the “Property”);

WHEREAS, Tormohlen Eggs, Inc., Milton J. Tormohlen and Pearl A. Tormohlen were granted a special use permit for a confined animal feeding operation through resolution 93 BCC 61 (“Original Special Use Permit”);

WHEREAS, the Owners applied for and were granted an amendment to the special use permit for a confined animal feeding operation expansion through an administrative approval dated September 21, 2010 (“Amendment”);

WHEREAS, the Owners have agreed to the termination of the Original Special Use Permit and the Amendment to allow for the issuance of a special use permit applied for by Xtreme, LLC (the “Applicant”) for a millwright and fabrication business (“Application”);

WHEREAS, on October 6, 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 approval of the Application;

WHEREAS, on October 21, 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 approve the Application.

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

2. FINDINGS OF FACT

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

- a. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically, the preservation of agricultural production land is encouraged to ensure continuation of this important industry. The facility will not impact and therefore preserve the agricultural economic base historically attributed to the area.
- b. The Application and associated documents are complete and present a clear picture of how the use is to be arranged on the site.
- c. The requirement of a special use plan map was waived by the Planning Administer. The site plan provided included sufficient information for the proposed use.

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- d. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvement, site plan requirements or other mitigation measures. There is access to established public infrastructure.
- e. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County. Adjacent uses include farmland and large parcel home sites. The structures have existed since 1993 with expansions done in 2010, only the use is changing and will continue to be compatible with the surrounding uses.
- f. The special use poses no risk to the public health, safety, and welfare.
- g. The special use proposed is located on a conforming parcel.
- h. The applicant has adequately documented a public need for the project. The applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs.
- i. Water for human consumption will be available through an existing Quality Water tap.

2. GENERAL PROVISIONS.

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

DATED this 18th day of November, 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 Department Director, presented to the Board the Resolution 2025 BCC 41 a resolution granting a use by special review permit for a millwright and fabrication business on the property located in the NE1/4NE1/4 of Section 32, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado and terminating a special use permit for a confined animal feeding operation on the same property. Ms. Hay said that Xtreme, LLC submitted an application for a special use permit for a millwright and fabrication business. The permitted area is located in part of the NE1/4NE1/4 of Section 32, Township 3 North, Range 57 West of the 6th PM, Morgan County, Colorado, aka 19900 County Road N, Fort Morgan, CO 80701. Currently, there is a special use permit for a confined animal feeding operation that was granted through Resolution 93 BCC 61 and then amended in 2010. The current owners, Terry and Connie Tormohlen have agreed to terminate

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the original special use permit and the amendment. On October 6, 2025, the Planning Commission held a public hearing and recommended approval on a vote of 6-0. On October 21, 2025, the Board of County Commissioners considered all relevant testimony and evidence and approved the application on a vote of 3-0. Resolution 2025 BCC 41 reflects the outcome of that hearing.

Commissioner Bernhardt made a motion to approve the Resolution 2025 BCC 41 a resolution granting a use by special review permit for a millwright and fabrication business on the property located in the NE1/4NE1/4 of Section 32, Township 3 North, Range 57 West of the 6th P.M., Morgan County, Colorado and terminating a special use permit for a confined animal feeding operation on the same property, as presented by Nicole Hay, Morgan County Planning and Zoning Department Director, Commissioner Malone seconded the motion. At this time the motion carried 3-0.

Consideration of Approval –Resolution 2025 BCC 42 a resolution amending the Morgan County Zoning Regulations to establish cistern regulations

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

RESOLUTION NO. 2025 BCC 42

A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS TO ESTABLISH CISTERN REGULATIONS

WHEREAS, the County desires to amend the Morgan County Zoning Regulations to establish regulations regarding the use of cisterns for residential use.

WHEREAS, on September 8, 2025 and October 6, 2025, the Planning Commission held duly noticed public hearings on the proposed amendments;

WHEREAS, on October 21, 2025, the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

WHEREAS, all relevant and required provisions for amending the Morgan County Zoning Regulations have been complied with; and

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

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

Section 1. Section 1-130 of the Morgan County Zoning Regulations is amended by the addition of the following definitions to be inserted in alphabetical order and to read as follows:

Bulk Water: Water obtained from a treated water system and then transported by truck, tanker or similar means.

Cistern: Tank used for water storage for human consumption.

Section 2. Sections 2-295(C) and (D) of the Morgan County Zoning Regulations are amended to read as follows:

(C) For residential buildings, proof of the following:

- (1) Access to water and a wastewater system as required in Sec. 3-655 for human consumption.
- (2) Adequate access to a public road.
- (3) Electric services.

(D) For commercial and industrial buildings, proof of the following:

- (1) Access to water and a wastewater system as required in Sec. 3-655 for human consumption.
- (2) Adequate access to a public road.
- (3) Electric services.

Section 3. Sections 2-325(C) and (D) of the Morgan County Zoning Regulations are amended to read as follows:

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- (C) For any building for human use or occupancy, the submittal requirements in Sec. 2-295(C) and (D) apply.
- (D) For any building not to be used or occupied by humans, the proof of the following:
 - (1) Adequate access to a public road.
 - (2) Electric services.

Section 4. Section 3-655 of the Morgan County Zoning Regulations is amended to read as follows:

Wastewater and Water Requirements

- (A) Wastewater. Any building or structure for human use or occupancy must be connected to or proposed to be connected to one of the following:
 - (1) On-site wastewater treatment system (OWTS) approved by the local health department.
 - (2) Concrete sewage collection vault systems approved by the local health department.
 - (3) Privately operated wastewater facilities, approved by the applicable state agency with jurisdiction.
- (B) Water Supply Requirements. Any building or structure for human use or occupancy must have connection to or proposed connection to one of the following:
 - (1) A public water utility as demonstrated by a previously approved and installed tap or a letter from public water utility with commitment and ability to serve the lot.
 - (2) Well water supply with a well permit.
 - (3) Bulk Water Cisterns
 - (a) Bulk water cisterns are permitted for only residential buildings under all of the following conditions:
 - (i) The lot where the residential building will be located is thirty-five (35) acres or larger, or legally created prior to May 5, 1972, if less than thirty-five (35) acres.
 - (ii) The lot where the residential building will be located is either not included in the Morgan County Quality Water District or if the lot is included in the Morgan County Quality Water District, written proof that a water tap from Morgan County Quality Water District is not available must be submitted.
 - (iii) Written disapproval of a well permit application from the Colorado Division of Water Resources, or a well construction and test report, pump installation report, driller's log or other such documentation indicating a dry well drilled to a minimum depth within five (5) percent of the depth of the nearest producing well. Distance for the nearest producing well shall be measured by direct measurement from the producing well to the drill site of the dry well.
 - (b) Standards. All bulk water cisterns must meet the following standards:
 - (i) Bulk water cisterns may either be above ground or below ground.
 - (ii) Only one (1) single-family dwelling may be served by a bulk water cistern. The bulk water cistern may be used for irrigation at the property owner's discretion.
 - (iii) Bulk water cisterns must supply at least fifty (50) gallons per person, per day with a minimum tank size of one thousand five hundred (1500) gallons.
 - (iv) The design must be a watertight construction approved for potable water.
 - (v) The bulk water cistern must satisfy the setbacks set forth in the Zone District Bulk Requirements and Special Design Standard Chart, Table 1, Appendix B.

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- (vi) A bulk water cistern letter must be completed, signed, and recorded with the County Clerk and Recorder, at the applicant's expense.
- (c) Existing bulk water cisterns may continue to be used even if additional fixtures are installed on the property. Property owners with existing bulk water cisterns upon application for any permit shall be required to execute a bulk water cistern letter by the County. The bulk water cistern letter must be completed, signed, and recorded with the County Clerk and Recorder, at the applicant's expense.
- (d) Cisterns connected to permitted wells are not subject to the regulations in subsection (b) above, with the exception of the setback requirement in subsection (b)(v).

Section 5. Section 3-700 of the Morgan County Zoning Regulations is amended to read as follows:

- (A) Property located within all Zones except the A and A/B zones shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than six (6) inches. In no event shall the property owner allow the growth of noxious weeds. In the A and A/B zones, property owners must employ a program to control the growth of noxious and other weeds as part of either normal farming practices or general property maintenance.
- (B) The owner of any building or structure where people live, work or congregate shall ensure that the building or structure contains an adequate, convenient and sanitary toilet and sewage disposal system in good working order. Under no conditions shall sewage or effluent be allowed to be discharged upon the surface of the ground or into waters of the state.

APPROVED this 18th day of November, 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 Department Director, presented to the Board the Resolution 2025 BCC 42 a resolution amending the Morgan County Zoning Regulations to establish cistern regulations. Ms. Hay said that the amendments to the Morgan County Zoning Regulations are to establish regulations regarding the use of cisterns for residential use. The Board of County Commissioners held a work session on June 10, 2025. The Planning Commission recommended approval with recommended changes made at a work session held on July 14, 2025 and public hearings held on September 8 and October 6, 2025. On October 21, 2025, the Board of County Commissioners reviewed and considered the same amendments and approved them on a vote of 3-0. Resolution 2025 BCC 42 reflects the outcome of that hearing.

Commissioner Malone made a motion to approve the Resolution 2025 BCC 42 a resolution amending the Morgan County Zoning Regulations to establish cistern regulations, as presented by Nicole Hay, Morgan County Planning and Zoning Department Director, Commissioner Bernhardt seconded the motion. At this time the motion carried 3-0.

Consideration of Approval—Resolution 2025 BCC 43 a resolution amending the Morgan County Zoning Regulations concerning amending permits and criteria for reviewing appeals and variances

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

RESOLUTION NO. 2025 BCC 43

**A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS CONCERNING
AMENDING PERMITS AND CRITERIA FOR REVIEWING APPEALS AND VARAINCES**

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WHEREAS, the County desires to amend the Morgan County Zoning Regulations to clean up zoning regulations concerning amending permits and criteria for reviewing appeals and variances.

WHEREAS, on September 8, 2025, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval of the amendments;

WHEREAS, on October 21, 2025, the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

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

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

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

Section 1. Sections 2-500(C), (D) and (E) of the Morgan County Zoning Regulations are amended by the deletion of the current subsection (C) and current subsections (D) and (E) revised to read as follows:

- (C) The Board may, on a case-by-case basis, waive the requirement of paragraph (B) of this Section.
- (D) The Planning Administrator shall be the sole authority in determining whether an amendment is major or minor.

Section 2. Section 5-220 of the Morgan County Zoning Regulations is amended by the deletion of subsection (E) and the following subsections are to be relettered accordingly.

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APPROVED this 18th day of November, 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 Department Director, presented to the Board the Resolution 2025 BCC 43 a resolution amending the Morgan County Zoning Regulations concerning amending permits and criteria for reviewing appeals and variances. Ms. Hay said that the amendments to the Morgan County Zoning Regulations are to clean up the regulations concerning amending permits and criteria for reviewing appeals and variances. The Planning Commission recommended approval at a public hearing held on September 8, 2025. On October 21, 2025, the Board of County Commissioners reviewed and considered the same amendments and approved them on a vote of 3-0. Resolution 2025 BCC 43 reflects the outcome of that hearing.

Commissioner Bernhardt made a motion to approve the Resolution 2025 BCC 43 a resolution amending the Morgan County Zoning Regulations concerning amending permits and criteria for reviewing appeals and variances, as presented by Nicole Hay, Morgan County Planning and Zoning Department Director, Commissioner Malone seconded the motion. At this time the motion carried 3-0.

Consideration of Approval- Pawnee Solar, LLC Renewal Application – Resolution 2025 BCC 44 An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 19 for a solar collector facility and a resolution granting three-year renewal for the special use permit to Pawnee Solar, LLC granted by Resolution 2023 BCC 19

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

**RESOLUTION
2025 BCC 44**

**A RESOLUTION GRANTING A THREE YEAR RENEWAL FOR THE SPECIAL USE
PERMIT TO PAWNEE SOLAR, LLC FOR A SOLAR COLLECTOR FACILITY
LOCATED IN SECTIONS 14, 23, 26, AND 35, TOWNSHIP 2 NORTH, RANGE 57 WEST
OF THE 6TH P.M., MORGAN COUNTY, COLORADO**

WHEREAS, Pawnee Solar, LLC (the “Applicant”) obtained a special use permit granted by Resolution 2023 BCC 19 (“Permit”), dated May 16, 2023, for a solar collector facility located in Sections 14, 23, 26, and 35, Township 2 North, Range 57 West of the 6th P.M., Morgan County, Colorado (“Property”);

WHEREAS, the Applicant has applied for a three-year renewal of the Permit pursuant to Section 4-845 of the Morgan County Zoning Regulations;

WHEREAS, pursuant to the Morgan County Zoning Regulations, the Permit is only valid for a period of three years from the date of approval unless the permittee seeks a longer period, up to six years, or achieves substantial construction and installation of the facility within the approved period;

WHEREAS, the Applicant has not commenced construction of the facility approved pursuant the Permit and therefore is requested a renewal of the Permit for an additional three years;

WHEREAS, at its meeting on November 18, 2025, the Board of County Commissioners (the “Board”) reviewed and considered the application; and

WHEREAS, the Board desires to approve the application for a three-year renewal.

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

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1. APPROVAL.

The application for a three-year renewal is hereby granted. The Permit is valid for an additional period of three years to May 16, 2029, six years from the original date of approval of Resolution 2023 BCC 19. All conditions of approval imposed in Resolution 2023 BCC 19 shall remain in full effect. Any further extensions to the term of the Permit shall be governed by the provisions of the Morgan County Zoning Regulations.

DATED this 18th day of November, 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 Department Director, presented to the Board for Consideration of Approval a Renewal Application for Pawnee Solar, LLC and Resolution 2025 BCC 44 An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 19 for a solar collector facility and a resolution granting three-year renewal for the special use permit to Pawnee Solar, LLC granted by Resolution 2023 BCC 19. Ms. Hay said that this application is for a three-year renewal for the special use permit granted by resolution 2023 BCC 19 to Pawnee Solar, LLC on May 16, 2023. The special use permit was granted to allow for a solar collector facility with a maximum of power output of 250 MWac. The permitted area is located in part of Sections 14, 23, 26, and 35, Township 2 North, Range 57 West, Morgan County, Colorado. The applicant, Pawnee Solar, LLC has not commenced construction of the facility and therefore is requesting an additional three years as per Section 4-845 of the Morgan County Zoning regulations. This requested extension would ensure project construction completion in a reasonable timeframe. If approved, the permit would be valid for an additional period of three years to May 16, 2029, six years from the original date of approval of Resolution 2023 BCC 19. All conditions of approval through Resolution 2023 BCC 19 shall remain in full effect.

Commissioner Malone made a motion to approve the Renewal Application for Pawnee Solar, LLC and Resolution 2025 BCC 44 An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 19 for a solar collector facility and a resolution granting three-year renewal for the special use permit to Pawnee Solar, LLC granted by Resolution 2023 BCC 19, as presented by Nicole Hay, Morgan County Planning and Zoning Department Director, Commissioner Bernhardt seconded the motion. At this time the motion carried 3-0.

Consideration of Approval-Pawnee Solar, LLC Renewal Application– Resolution 2025 BCC 45 An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 20 for a battery energy storage system and a resolution granting three-year renewal for the special use permit to Pawnee Solar, LLC granted by Resolution 2023 BCC 20

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

**RESOLUTION
2025 BCC 45**

**A RESOLUTION GRANTING A THREE YEAR RENEWAL FOR THE SPECIAL USE
PERMIT TO PAWNEE SOLAR, LLC FOR A BATTERY ENERGY STORAGE SYSTEM
LOCATED IN A PART OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 57 WEST OF
THE 6TH P.M., MORGAN COUNTY, COLORADO**

WHEREAS, Pawnee Solar, LLC (the “Applicant”), obtained a special use permit granted by Resolution 2023 BCC 20 (“Permit”), dated May 16, 2023, for a battery energy storage system located in a part of Section 14, Township 2 North, Range 57 West of the 6th P.M., Morgan County, Colorado (“Property”);

WHEREAS, the Applicant has applied for a three-year renewal of the Permit pursuant to Section 4-880 of the Morgan County Zoning Regulations;

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WHEREAS, pursuant to the Morgan County Zoning Regulations, the Permit is only valid for a period of three years from the date of approval unless the permittee seeks a longer period, up to six years, or achieves substantial construction and installation of the facility within the approved period;

WHEREAS, the Applicant has not commenced construction of the facility approved pursuant the Permit and therefore is requested a renewal of the Permit for an additional three years;

WHEREAS, at its meeting on November 18, 2025, the Board of County Commissioners (the "Board") reviewed and considered the application; and

WHEREAS, the Board desires to approve the application for a three-year renewal.

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

1. APPROVAL.

The application for a three-year renewal is hereby granted. The Permit is valid for an additional period of three years to May 16, 2029, six years from the original date of approval of Resolution 2023 BCC 20. All conditions of approval imposed in Resolution 2023 BCC 20 shall remain in full effect. Any further extensions to the term of the Permit shall be governed by the provisions of the Morgan County Zoning Regulations.

DATED this 18th day of November, 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 Department Director, presented to the Board Consideration of Approval a Renewal Application Pawnee Solar, LLC and Resolution 2025 BCC 45 An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 20 for a battery energy storage system and a resolution granting three-year renewal for the special use permit to Pawnee Solar, LLC granted by Resolution 2023 BCC 20. Ms. Hay said that this application is for a three-year renewal for the special use permit granted by resolution 2023 BCC 20 to Pawnee Solar, LLC on May 16, 2023. The special use permit was granted to allow for a battery energy storage system. The permitted area is located in a part of Section 14, Township 2 North, Range 57 West of the 6th PM, Morgan County, Colorado. The applicant, Pawnee Solar, LLC has not commenced construction of the facility and therefore is requesting an additional three years as per Section 4-880 of the Morgan County Zoning regulations. This requested extension would ensure project construction completion in a reasonable timeframe. If approved, the permit would be valid for an additional period of three years to May 16, 2029, six years from the original date of approval of Resolution 2023 BCC 20. All conditions of approval through Resolution 2023 BCC 20 shall remain in full effect.

Chairman Becker thanked the solar companies for their patience and willingness to come to meetings to answer questions.

Commissioner Bernhardt made a motion to approve the Renewal Application for Pawnee Solar, LLC and Resolution 2025 BCC 45 An application for the renewal of the previously approved special use permit granted by Resolution 2023 BCC 20 for a battery energy storage system and a resolution granting three-year renewal for the special use permit to Pawnee Solar, LLC granted by Resolution 2023 BCC 20, as presented by Nicole Hay, Morgan County Planning and Zoning Department Director, Commissioner Malone seconded the motion. At this time the motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder, Kevin Strauch noted that the 2025 Coordinated Election was completed successfully. He noted a typical low turnout of 36%. He mentioned that the Risk Limiting Audit is taking place

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currently. He explained that this process compares the computer results to the paper ballot results to note and correct any differences.

Morgan County Planning and Zoning Administrator, Nicole Hay noted that there are vacancies on the Planning Commission with one vacancy in District One and another in District Two as well as another in District Three as well as one alternate. The Board of Adjustment also needs one member from district three and two alternates.

Public Works Director, Bruce Bass noted that the bridge replacement projected on Road 24 is beginning to take place. He noted that it is a small bridge. Chairman Becker explained that Morgan County's bridge team completes these projects for less than half of the cost of a private company.

Morgan County Sheriff, Dave Martin noted that the bridge team waited until harvest was completed before beginning work. He noted that Morgan County Golden Stars was begun under the Sheriff's Office to help kids in need for Christmas. He noted that these families are professionally referred. The children receive various needed items as well as toys. He explained that this weekend, they will be at Walmart accepting donations for the Fill the Cruiser event as well.

Commissioners reviewed the calendar dated November 14, 2025 through November 25, 2025 with no changes. Commissioner Bernhardt noted that the county offices will be closed for Thanksgiving on the 27th and 28th.

Being no further business the meeting was adjourned at 10:08 a.m.

Following the Planning and Zoning meeting, a discussion was held regarding Morgan County becoming a Home Rule County.

Morgan County Attorney, Kathryn Sellars presented a slideshow on the process and the benefits of Morgan County becoming a Home Rule County. She explained the differences between municipalities and counties as it pertains to being Home Rule. She noted that the election would need to be called soon so that all the election deadlines could be met. She explained that the county would be divided into three districts and that voters would vote for three committee members in each district and two members at large. Citizens who would like to become a committee member would be required to receive twenty-five signatures that would need to be verified by the Clerk and Recorder's Office. She walked through a potential timeline that would place election day on March 10th, 2026 for the committee members. The committee would then create a Home Rule Charter that would be voted on by the county at large with the goal of the election coinciding with the 2026 November General Election.

Clerk and Recorder, Kevin Strauch noted that the March election would cost the county approximately \$40,000 and the potential November election would cost much less since the county would be participating in it already.

A meeting for next Tuesday, November 25th at 9:00 am was scheduled to begin the process.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified December 16, 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