

COMMISSIONERS PROCEEDINGS 1

MEETING OF THE BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
December 10, 2024

As reflected in posted agenda:

To participate in the **Citizen's Comment Period** you **must** connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83275238886> 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 December 9, 2024.

To participate in **Public Hearings** you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83275238886> listen via phone, please dial: 1-312-626-6799, Meeting ID: 832 7523 8886

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/83275238886> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 832 7523 8886

The Board of Morgan County Commissioners met Tuesday, December 10, 2024 at 9:00 a.m. Chairman Mark Arndt, Commissioner Jon Becker, and Commissioner Gordon Westhoff were in attendance. Chairman Arndt asked Kelvin Bernhardt 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 November 19, 2024.
2. Ratify the Board of County Commissioners approval on assignment of debt collections to **EMS/MC** dated November 18, 2024. Client #241709, #241841, #241748, #241903, #241828, #241896, #241799, #241708, #241430, #241428, #241806, #240400, #240594, #240409, #242009, #241796, #241784, #241842, #240181, #240922, #241985, #242052, #241994, #241877, #241800, #241209, #241513, #242047, #242011, #241721, #241647, #241889, #240378, #240431A, #241952, #240297, #242076, #241911, #241185, #240805, #241993, #241678, #241781, #241831, #242600A, #241073, #241637, #240897, #242226, #241585, #241353, #241858, #242204, #241549, #240551A, #241385, #241640, #241943, #241945, #240902, #242465A, #241749, #242016, #240780, #241928, #241959, #240830B, #241502, #241642, #241328, #242006, #240511, #240714, #240666, #242095, #241986, #241881, #242728, #241942, #242517, #240440, #240405, #241751.
3. Ratify the Board of County Commissioners approval of **Contract Renewal 2024 CNT 002 R1 Command Service Systems, Inc.**, Term of Contract January 1, 2025 through December 31, 2025.
4. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 114 OnSolve Intermediate Holding Company dba OnSolve, LLC.**, Term of Contract January 1, 2025 through January 1, 2028.
5. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 117 Kids Crossing, Inc.**, Term of Contract October 1, 2024 through May 31, 2025.
6. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 119 University of Colorado Medicine**, Term of Contract November 1, 2024 through June 30, 2025.
7. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 120 Scripps Media, Inc. dba KCDO-TV**, Term of Contract May 1, 2024 through April 30, 2029.
8. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 121 Geo Land Solutions dba Valuebase**, Term of Contract December 1, 2024 through December 1, 2025.
9. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 122 Caberra Systems, Inc.**, Term of Contract November 25, 2024 through Delivery of product.
10. Ratify the Board of County Commissioners approval of **Contract Amendment 2024 CNT 021 AMD1 Cooperative Personnel Services, dba CPS HR Consulting**, Term of Contract through completion of compensation study onsite meetings.
11. Ratify the Board of County Commissioners approval of **Intergovernmental Agreement 2024 IGA 004 Hillrose Rural Fire Protection District**, Term of Contract October 1, 2024 Until Termination.
12. Ratify the Board of County Commissioners approval on **Memorandum of Understanding 2024 MOU 06**, School of EMS, Term of Contract January 1, 2025 through December 31, 2025.
13. Ratify the Board of County Commissioners approval of Request for **Waiver of Rental Fees for Brush Chamber of Commerce**, signed December 10, 2024.
14. Ratify Chairman Pro-Tem Jon Becker's signature on **Colorado Retail Liquor License Renewal Application** for Mug Shot Café Saloon, LLC, signed November 19, 2024.
15. Ratify the Board of County Commissioners approval of **Lease Agreement** for Morgan County Family Center, Inc., fiscal sponsor for the Morgan County Partnership for Children and Families, signed December 10, 2024.
16. Ratify Chairman Mark Arndt's signature on **November 2024 Morgan County Warrants**, signed December 10, 2024.
17. Ratify Chairman Mark Arndt's signature on **Storm Water Inspection Report**, Inspection Date November 25, 2024 signed December 10, 2024.

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18. Ratify Chairman Mark Arndt’s signature on **Storm Water Inspection Report**, Inspection Date December 5, 2024 signed December 10, 2024.
19. Ratify Chairman Mark Arndt’s signature on **Morgan County Public Trustee Report**, time period October 2024 through November 2024, signed December 10, 2024

At this time, Commissioner Westhoff made a motion to approve items 1-19 as presented; Commissioner Becker seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval - Bid Tabulation and Award, RFP 2024-1121-001 Contract Haulage

Morgan County Public Works, Bruce Bass, presented to the Board for approval Bid Tabulation and Award RFP 2024-1121-001 Contract Haulage. Mr. Bass explained he received two bids, a bid from Bear Down Logistic Inc. and a bid from Out East Contracting. Mr. Bass explained each bid in detail. He noted that the current vendor also placed a bid but it came in too late to be considered.

| Responder | Quantity of Truck/Trailers | Types of Trailers | Permitted Weight Limits | Price Per Mile per Combination Unit | Exception to Bid |
|---|----------------------------|-------------------------|--|--|------------------|
| Bear Down Logistic Inc, Winter Garden, FL | | Tandem Dump 9 Trucks | 36,000 | 200-249 miles 5.50 250-299 miles 4.4 300-049 mile 3.67 350-399 miles 3.14 400 + miles 2.75 | none listed |
| Out East Contracting, Wiggins CO | 1 possibly 2 | Bellydump, end dump | 80,000 interstate, 85,000 secondary | 5.00 | none listed |
| | | | | | |

Mr. Bass recommended that the RFP 2024-1121-001 be awarded to Out East Contracting.

Commissioner Becker made a motion to accept the Bid Tabulation and Award RFP 2024-1121-001 Contract Haulage be awarded to Out East Contracting for no more than five dollars per mile, as recommended by Morgan County Public Works, Bruce Bass, with Commissioner Westhoff seconding the motion. At this time motion carried 3-0.

Consideration of Approval – Morgan County Government Personnel Manual

Morgan County Interim Human Resources Director Lori Crispin, presented to the Board for approval the updated Morgan County Government Personnel Policy. Chairman Arndt noted that all elected officials had input on the policies. Ms. Crispin noted that this will be the first update to the manual since 2018 and that most changes were due to law changes.

Commissioner Westhoff made a motion to accept the Morgan County Government Personnel Policy as presented by Morgan County Interim Human Resources Director Lori Crispin dated December 10, 2024. Commissioner Becker seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder, Kevin Strauch noted that there was a recount in the Wiggins Trustee race from the November election. He noted that the results stood but the vote difference changed to a difference of two from one. He said that the election is finally and officially closed.

Commissioners reviewed the calendar dated December 6, 2024 through December 17, 2024 without changes.

The meeting was adjourned at 9:14 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified December 17, 2024)

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

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s/ Mark A. Arndt

Mark A. Arndt, Chairman

s/ Jon J. Becker

Jon J. Becker, Commissioner

s/ Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch

Kevin Strauch

PUBLIC HEARING

Chairman Arndt called the hearing to order at 9:23 a.m. on Wednesday, December 10th, 2024 in the Assembly Room of the Morgan County Administration Building.

Chairman Mark Arndt, Commissioner Jon Becker, and Commissioner Gordon Westhoff were present. Planning and Zoning Administrator Nicole Hay, Planning and Zoning Technician Jenafer Santos and IT Specialist Karol Kopetzky were also present.

At this time, Commissioner Becker recused himself from the public hearing portion of the meeting.

NEW BUSINESS: Conditional Use

Applicants and Landowners: Reed and Kelly Covelli

Legal Description: Located in the SE¹/₄SE¹/₄ of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, otherwise known as 11839 Hwy 144 Weldona, CO 80653.

Request: Conditional Use Permit to allow outdoor public storage of RV's and boats on the property.

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANT and LANDOWNER: Reed Covelli and Kelly Covelli

This application is for a conditional use permit to allow outdoor public storage of recreational vehicles and boats on a 21.13 acre parcel of land. The property is in the SE¹/₄SE¹/₄ of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, otherwise known as 11839 Hwy 144 Weldona, CO 80653. The property is zoned Agriculture Production and is in the Fort Morgan Fire District.

The request is to allow public outdoor storage of possibly 60 RV's and boats. Permanent structures or fencing are not planned and the area has an electronic alert system in place.

Access to the property is off of State Highway 144. Colorado Department of Transportation is aware of the request and has issued an access permit using the existing access. The applicant is required to keep a log of daily visitors and provide it to CDOT one year after the facility opens to ensure the traffic counts permitted are not surpassed in practice.

An email from the Weldon Valley Ditch Company states they have no objection to the proposed use provided there is no incursion into the company's setback easement for operation and maintenance of the ditch.

Staff had an informal conversation with the County's consulting engineer regarding the drainage on the property. Given the soil type is a loamy sand with a high infiltration rate and low runoff potential, a drainage plan was not required by staff. The project won't have a significant impact on drainage patterns and by adding material, such as gravel, the infiltration rate would decrease. As such, impacts as a result of drainage are limited to the property.

Planning Commission Meeting

A Planning Commission hearing was held on September 9, 2024, where the Commissioners heard from the Applicant and the public. The public hearing was continued until October 21, 2024 in order for Mr. Covelli to supply a detailed drainage plan and revised site plan. The October 21, 2024 Planning

Commission hearing was cancelled and rescheduled to November 12, 2024 to give Mr. Covelli more time to prepare the information requested by Planning Commission.

A revised site plan was submitted. A drainage plan was not submitted.

The continued public hearing was held on November 12, 2024, where the Commissioners reopened public comment regarding the additional information supplied by the applicant. Several neighboring landowners expressed their opposition regarding the proposed use.

The Planning Commission recommended denial based on the failure to submit the requested drainage plan on a vote of 4-0, 2 members were absent.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a conditional use permit in Section 2-425 of the Morgan County zoning regulations have been met. Those criteria are as follows:

Section 2-425 Conditional Use Permit Criteria:

- A. The application documents are complete and present a clear picture of how the use is to be arranged on the site.
- B. The site plan conforms to the design standards of these Regulations.
The requirement of a site plan was waived by the Planning Administrator. The site plan provided included sufficient information for the proposed use.
- C. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure (utilities, drainage, and roads) or upgrades by the County of special districts.
There is access to public infrastructure. There is an existing access to the property from State Highway 144.
- D. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.
All adjacent properties are in the Agricultural Production District. To the northeast across the Weldon Valley Ditch is a large parcel with a single family residence, Tomky Fish Farms, and Trace Tire shop. To the southeast there are minor subdivisions with larger parcels used as single family home sites, and pasture ground to the south and west. Buffer is created by the road and/or distance.

The following conditions are recommended if the conditional use permit is granted:

1. A copy of Colorado Department of Transportation's determination letter after the traffic count has been supplied.

Nicole Hay,
Morgan County Planning Administrator

DISCUSSION: Board of County Commissioners to applicant:

At this time, Chairman Arndt asked the applicant if there is anything they would like to add to the application. Reed Covelli presented this application to the Board of County Commissioners, adding that

he pulled a state patrol record for a 5-year time period and there was only 1 incident with injury and that was involving a deer.

Commissioner Westhoff asked if the electronic alert system is that for people entering the driveway, or for when people enter the proposed facility?

Reed Covelli answered that it will alert if someone goes across the driveway.

Chairman Arndt asked if the driveway that is to be used is his personal driveway? Is the farm ground where these RV's and boat's will be stored currently irrigated?

Reed Covelli answered yes to both questions.

Chairman Arndt asked confirmed with Director Nicole Hay that it was not necessary to have a drainage report done.

Chairman Arndt asked if there will be any lighting on the facility?

Reed Covelli stated he hasn't thought that far ahead.

PUBLIC COMMENT OPEN:

In Favor: None

Opposed:

Todd Castor, 25450 CR 10, Weldona referenced the updated site plan and has concerns for the drainage. There will be a lot more usage on the road with his proposed project. It's a major change for the area.

Julie Castor, 25450 CR 10, Weldona stated this would make a change from agricultural production zone in this area. She would like to see fencing or some sort of view shed. The Planning and Zoning department needs to establish some hard guidelines when changing from agricultural to commercial if this will become a trend. They run cattle to the west and the north and there is no fencing to keep their cattle out. Fire is also a concern. What is the plan if a fire were to happen? She is seeking either it to be covered from public view or for it to be denied.

Commissioner Arndt asked Julie Castor why she feels this is a different use than the residential housing to the east?

Julie Castor said this project will have multiple RV's together. Are there propane tanks in each RV? The residential lots to the east are further apart, about 14 acres. She also mentioned that there are tile lines that make the ground "seepy", creating a water issue in the area.

Todd Castor stated the difference between residential and the proposed project is the amount of traffic.

Commissioner Westhoff stated that if the property is irrigated, you will get some tail water. If it is currently being irrigated, what is the difference between if gravel or road base would be put in there? There would be less tail water.

Reed Covelli stated there is a 3-foot berm that will divert the water.

Commissioner Westhoff asked what the speed limit is between the two corners on Highway 144?

Reed Covelli stated 35 MPH.

Sabrina Tomky, 12190 CR X.5, Weldona asked why he was not required to submit a detailed site plan? She spoke about the potential flooding hazards that would redirect the water. What happens if there is an incident out there? There are no lights, no cameras, how are you going to investigate that? There is no way to oversee that type of thing. She believes the soil needs to be checked out.

Commissioner Westhoff stated that if there are incidents on the storage facility, the County doesn't police that. It is up to the property owner and the facility owner.

Chariman Arndt asked Sabrina Tomky if any of her businesses have a Special Use Permit?

Sabrina Tomky stated they are taxed for a commercial business, but she is unsure if their businesses are permitted.

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER COMMENTS:

Commissioner Westhoff asked if he is going to put down any gravel or road base? Is your driveway wide enough for someone to go into the property and go out of the property at the same time?

Reed Covelli stated that if the need arises he will. He doesn't have any soft spots on his property until you go further west. He believes his driveway is wide enough to accommodate that.

Commissioner Arndt asked if there was a tile line on the property?

Reed Covelli stated there is one that is supposed to tie into the farm to the west that is near his residence, but he has not had any seepage issues.

Chairman Arndt asked if the drainage goes down the property to highway 144 and goes west along highway 144 and then to the south?

Reed Covelli stated the culvert is actually on his property. There is a berm on his property that will not allow anything to pass it.

Chairman Arndt asked where the final destination of the drainage goes?

Reed Covelli stated that it goes to the south west corner of his property and historically runs to the Castor's property.

Chairman Arndt clarified for the record that this is for RV storage and boat storage. No one will be allowed to stay overnight.

Chairman Arndt asked what is his reasoning for not doing gravel right away?

Reed Covelli stated his soil where he is proposing this project is very solid.

Chairman Arndt stated that he will need to do a survey to show where the boundary will be for the project. It doesn't matter how you decide to park the RV's and boats, but they need to be within the boundary and it needs to be marked. Pictures also need to be supplied to the County on the boundary line to show that the water is traveling to the south and not to the west.

Commissioner Westhoff moved to approve Reed Covelli and Kelly Covelli's application for a conditional use permit for outdoor public storage of RV's boats on this property located with the legal description as provided by Director Nicole Hay, with the conditions of supplying a drainage plan picture or the berm on the property, a survey for the boundary of the conditional use permit, and a copy of Colorado Department of Transportation's determination letter after the traffic count has been supplied.

Chairman Arndt seconded.

Motion carries 2-0.

NEW BUSINESS: Special Use

Applicants: Kyle DeNardo

Landowners: Jon and Christal Becker

Legal Description: Lot 2, Paige Estates Minor Subdivision in the NE $\frac{1}{4}$ of Section 13, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

Request: Special Use Permit for the future development of a storage facility, to include enclosed units and RV/Boat covered parking.

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANT and LANDOWNER: Jon and Christal Becker

This application is for a Special Use Permit to allow for future development of a storage facility to include enclosed units and covered RV/boat parking. The permitted area is Lot 2, Paige Estates Minor Subdivision in a part of the NE $\frac{1}{4}$ of Section 13, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

This request is to allow several individual storage units and covered RV/boat storage. The property is zoned Agriculture Production and is in the Fort Morgan Fire District. The proposed project will be built in phases based on the demand of the community.

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

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

Section 2-455 Special Use Permit Criteria:

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

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

The property is across the road from the City of Fort Morgan municipal boundary. With the increase of future development in Fort Morgan, this proposed project will offer much needed storage for existing and new residents in the area.

- 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.
- C. The site plan conforms to the district design standards of these Regulations.
- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
There is access to public infrastructure. A drainage plan will be required as a part of the building permit.
- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
There is only one residence located adjacent to the east of this property. Other adjacent uses include farm ground to the south. The municipal boundary of the City of Fort Morgan is across Co Rd Q to the north.
- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.
The proposed special use will not increase the risk to public health, safety or welfare.
- G. The special use proposed is not planned to be developed on a non-conforming parcel.
The proposed special use would be located in a lot of an approved minor subdivision.
- 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.
- 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.

The proposed special use does not require water.

This application was considered by the Planning Commission in a public hearing on November 12, 2024.

The Planning Commission recommended approval on a vote of 4-0, 2 members were absent.

The following conditions are recommended if the special use permit is granted:

2. A drainage plan will be submitted prior to issuance of any building permit.

Nicole Hay,
Morgan County Planning Administrator

DISCUSSION: Board of County Commissioners to applicant:

At this time, Chairman Arndt asked the applicant if there is anything they would like to add to the application. Kyle DeNardo with KD Consulting, 33073 Hillside Ct, Elizabeth representing Jon and Christal Becker presented this application to the Board of County Commissioners.

Commissioner Westhoff asked if everything will be inside a structure?

Kyle DeNardo stated that everything will be enclosed or covered.

Commissioner Westhoff asked if they are using the current driveway or will there new a new driveway permitted?

Kyle DeNardo stated that they did a minor subdivision before this, and they created a new driveway that they will be using that is off of CR Q and has been previously approved by the County.

PUBLIC COMMENT OPEN: None

PUBLIC COMMENT CLOSED:

Commissioner Westhoff asked if the amount of structures that was listed on the site plan is the total maximum amount of structures?

Kyle DeNardo stated that it is just a projection based on the demand.

Chairman Arndt asked if this project covers the entirety of this lot?

Kyle DeNardo answered yes.

Chariman Arndt made a general comment that this area will have just as much, if not more traffic than the previous application.

Commissioner Westhoff moved to approve the special use permit as landowners Jon and Christal Becker with the legal description as described in the packet for the special use permit for the future development of a storage facility, to include enclosed units and RV/Boat covered parking with the condition of a drainage plan to be submitted prior to issuance of a building permit.

Chairman Arndt Seconded.

Motion carries, 2-0.

Being no further business the meeting was then adjourned at 10:32 a.m.

Respectfully Submitted,
Jenafer Santos
Planning Technician

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

_____ s/ Mark A. Arndt

Mark A. Arndt, Chairman

Excused from Meeting _____ s/ Jon J. Becker

Jon J. Becker, Commissioner

_____ s/ Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

_____ s/ Kevin Strauch

Kevin Strauch