

# COMMISSIONERS PROCEEDINGS 1

**BOARD OF COUNTY COMMISSIONERS**  
**Morgan County Board of Social/Human Services**  
**Minutes of Meeting**  
**December 16th, 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/85484638154> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 4 p.m. on Monday December 15th, 2025.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/85484638154> listen via phone, please dial: 1-312-626-6799, Meeting ID: 854 8463 8154

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/85484638154> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 854 8463 8154

The Board of Morgan County Commissioners met on Tuesday, December 16, 2025 at 9:04 a.m. with Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt in attendance. Chairman Becker asked Morgan County Sheriff, Dave Martin 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 November 18, 2025**

Chairman Becker presented for review and approval the Department of Human Services Minutes dated November 18, 2025. A motion was made by Commissioner Malone to approve the minutes as presented with Commissioner Bernhardt seconding the motion. The motion carried 3-0.

## **Consideration of Approval – DHS WARRANTS – October 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 October 2025. Ms. Nitzel summarized the operating warrants as being a total of \$318,337.14 for operating costs and direct deposits for payroll were \$233,046.65, which totaled \$551,383.79. Ms. Nitzel stated that there was an increase from September of \$60,000. The majority of that was in the contracts and grants that are paid quarterly. She explained that there are number of contracts that are from Colorado Works Program under the temporary aid for families, the people that support those contracts are A Caring Pregnancy, Baby Bear Hugs, Morgan County Family Center, Rising Up, S.A.R.A and S.H.A.R.E. All these groups directly assist families to be able to take care of themselves.

Commissioner Bernhardt made the motion to approve the warrants as presented for October 2025 in the amount of \$551,383.79 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 – October 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 October 2025. Ms. Nitzel summarized the Certification of Provider and Vendor Benefit Authorizations indicating the monthly total of \$840,868.34. Ms. Nitzel stated from September to October there was a drop of \$6,000.00 there was an increase in child care of \$12,000 and a decrease in food stamps of \$9,000 making the amount spend very close to the same. From October last year there was a decrease of \$57,000 with the largest changes in food stamps with those being down \$21,000, TANF being down \$16,000 and core services also being down \$10,000.

Chairman Becker asked if the food stamp amount includes the schools, with Ms. Nitzel stating no it does not it is only what goes to families and individuals in the county.

Commissioner Malone made the motion to approve the Certification of Provider and Vendor Benefits as presented for October 2025 in the amount of \$840,868.34 as presented and authorized the Chairman to sign, with Commissioner Bernhardt seconding the motion. Motion carried 3-0.

Ms. Frenier stated that the LEAP program is still available. She stated that it was a honor to be part of the swearing in of the Sheriff officers this morning as the Department of Human Services works closely with the Sheriff's Department.

There being no further business, the Board stood in recess at 9:20 a.m.

Respectfully Submitted,

# 2 COMMISSIONERS PROCEEDINGS

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  
December 16th, 2025

As reflected in posted agenda:

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The Board of Morgan County Commissioners met Tuesday, December 16th, 2025 at 9:04 a.m. Chairman Jon Becker, Commissioner Tim Malone and Commissioner Kelvin Bernhardt were in attendance. Chairman Becker asked Morgan County Sheriff, Dave Martin to lead the meeting in the Pledge of Allegiance.

Commissioner Malone made a motion to move the Swearing in of Sheriff's Officers under agenda item F to the beginning of the meeting. Commissioner Bernhardt seconded the motion. The motion passed 3-0.

David Martin, Morgan County Sheriff swore in Patrol Deputy, Ryan Wagoner and Patrol Sergeant, Kevin Bruntz.

### CITIZEN'S COMMENT

Michelle Covelli 103 11<sup>th</sup> Avenue Wiggins Colorado, stated that her comments and questions are regarding the county budget. Ms. Covelli asked if the county budget adoption due December 15<sup>th</sup> according to statute has been completed. She also asked if the mill levy certifications due to the commissioners on December 15<sup>th</sup> according to statute had been completed. She also asked if there will be a supplemental budget passed for the 2025 budget. Finally, she asked if the audit has been completed and is available to view?

Morgan County Attorney, Kathryn Sellars explained that there are two statutes under Colorado law for certification. One mentions December 15<sup>th</sup> for non-county local governments the other statute is December 22 which relates to counties.

Chairman Becker stated that as for the third and fourth questions, there will be a supplement to the budget and the 2024 audit will be addressed later in the agenda.

### CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated November 18<sup>th</sup>, 2025.
2. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated November 23<sup>rd</sup>, 2025.
3. Ratify the Board of County Commissioners approval of **BCC meeting minutes** dated December 9<sup>th</sup>, 2025.
4. Ratify Chairman Jon Becker's signature on **Morgan County Public Trustee Report**, time period October 2025 Through November 2025.
5. Ratify the Board of County Commissioners approval of **Contract 1990 CNT 116 AMD 8., Computer Information Systems, Inc.**, Term of Contract December 16<sup>th</sup>, 2025 through December 15<sup>th</sup>, 2026.
6. Ratify the Board of County Commissioners approval of **Contract 2024 CNT 063 R2, Midstream, Inc.**, Term of Contract January 1<sup>st</sup>, 2025 through December 31<sup>st</sup>, 2026.
7. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 007, AMD 1, The Jamar Company DBA/CMS Mechanical Services, Inc.**, Term of Contract January 1<sup>st</sup>, 2025 through February 28<sup>th</sup>, 2026.
8. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 012 R1., Top Door, LLC.**, Term of Contract December 16<sup>th</sup>, 2025 through December 15<sup>th</sup>, 2026.
9. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 087, Blue Sky Electric Services, Inc.**, Term of Contract December 4<sup>th</sup>, 2025 through December 3<sup>rd</sup>, 2025.
10. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 082, No Paws Like Home**, Term of Contract May 1<sup>st</sup>, 2025 through June 30<sup>th</sup>, 2026.
11. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 083, Savio House**, Term of Contract November 1<sup>st</sup>, 2025 through May 31<sup>st</sup>, 2026.
12. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 084, Geo Land Solutions/DBA ValueBase**, Term of Contract January 1<sup>st</sup>, 2026 through December 31<sup>st</sup>, 2026.
13. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 085, CenturyLink Communications, LLC DBA/Lumen Technologies Group**, Term of Contract: 3 years.
14. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 086, Singlepoint DBA/Great Copier Service**, Term of Contract November 10<sup>th</sup>, 2025 through November 9<sup>th</sup>, 2026.

## 2 COMMISSIONERS PROCEEDINGS

15. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 052 AMD 1, S.H.A.R.E., Inc.**, Term of Contract July 1<sup>st</sup>, 2025 through June 30<sup>th</sup>, 2026.
16. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 053 AMD 1, S.A.R.A.**, Term of Contract July 1<sup>st</sup>, 2025 through June 30<sup>th</sup>, 2026.
17. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 054 AMD 1, Rising Up**, Term of Contract July 1<sup>st</sup>, 2025 through June 30<sup>th</sup>, 2026.
18. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 055 AMD 1, Morgan County Family Center, Inc.**, Term of Contract July 1<sup>st</sup>, 2025 through June 30<sup>th</sup>, 2026.
19. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 056 AMD 1, Morgan County Partnership for Children and Families**, Term of Contract July 1<sup>st</sup>, 2025 through June 30<sup>th</sup>, 2026.
20. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 057 AMD 1, Regional Home Visitation Program/DBA Baby Bear Hugs**, Term of Contract July 1<sup>st</sup>, 2025 through June 30<sup>th</sup>, 2026.
21. Ratify the Board of County Commissioners approval of **Contract 2025 CNT 058 AMD 1, A Caring Pregnancy Resource Center**, Term of Contract July 1<sup>st</sup>, 2025 through June 30<sup>th</sup>, 2026.
22. Ratify the Board of County Commissioners approval on assignment of **Debt Collections to EMS|MC** dated November 11<sup>th</sup>, 2025. Client #251066, #251675, #250986, #250908, #251889, #251808, #252020, #253247, #251718, 251979, #251117, #251763, #251373, #251424, #252237, #251727, #251802, #121009, #251944, #251780, #252018, #251062, #251984, #251650, #243198, #251897, #241832, #251093, #242120, #251068, #251919, #252008, #251742, #251604, #250992, #243244, #251855, #251999, #251603, #251702, #251801, #251942, #250853, #251080, #251933, #250933, #250102, #251594, #251989, #252022, #250015B, #251964, #251734, #243294, #251558, #250982, #251338, #251629, #251845, #251721, #252294, #250890, #251412, #251967, #251891, #251863, #251674, #252564, #251846, #251896, #251782, #251736, #251798, #251792, #251815, #251973, #251757, 251380, #251364, #251854
23. Ratify the Board of County Commissioners approval on assignment of **Debt Collections to EMS|MC** dated December 8<sup>th</sup>, 2025. Client #252244, #252261, #251679, #252216, #243668, #251988, #251505, #251853, #252136, #251977, #251848, #251943, #252102, #252101A, #251878, #252202, #250998, #250995, #251747, #243408, #252193, #243583, #252259A, #2517720, #251700, #250473, 252088, #252382, #252211B, #252142, #250755, #252266, #250782, #251024, #2519717, #251584, #252275, #252251, #252239, #251249, #242128, #252130, #252127, #252215, #251825, #252253, #251490, #251644, #251311, #251881, #243667, #250002, #2518118, #250969, #252217B, #252220, #242912, #251178, #252111, #252066, #251189, #251676, #252155, #252258, #250916, #250554, #251252, #252308A.
24. Ratify Chairman Jon Becker's signature on **Stormwater Inspection**, dated November 6<sup>th</sup>, 2025.
25. Ratify the Board of County Commissioners approval of **Request for Waiver of Rental Fees for Your Life Group-AA**, signed November 7<sup>th</sup>, 2025
26. Ratify the Board of County Commissioners approval of **Request for Waiver of Rental Fees for Morgan County Pheasants Forever**, signed November 21<sup>st</sup>, 2025.

At this time, Commissioner Bernhardt made a motion to approve items 1-26 as presented; Commissioner Malone seconded the motion. The motion carried 3-0.

### UNFINISHED BUSINESS

#### **Continuation of Hearing- 2026 Morgan County Budget Review**

Chairman Becker stated as discussed last week the 2024 Morgan County audit is not complete it is ready to hand in as for the Morgan County budget the Board feels it is about ready there have been some technical issues. He explained there is no one to blame there has been several situations inside the finance office, losing a long time director is only one. There have been numerous consulates brought into help as well. The finance department is working their hardest to get the budget completed. This is the first time that the County has faced this issue. Chairman Becker as being the board chairman takes the blame and requests all questions of concern be directed to him. He hopes that the audit will be submitted today. He stated that there will be a special meeting on Monday December 22 where all will be discussed.

Commissioner Malone moved to continue budget review hearing to December 22, 2025 at 9:00 a.m. Commissioner Bernhardt explained that they are working to make sure this does not happen next year by making time lines, calendars and check lists. At this time Commissioner Bernhardt seconded the motion, motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval- Consent and Limited Waiver for HPWC concerning Washington County**

Morgan County Attorney Kathryn Sellars explained that currently their law firm represents both Morgan and Washington Counties as general counsel. She stated that it is her understanding that the Morgan County Ambulance Department would like to create an agreement/policy with various agencies, including the Washington County Ambulance Department, to address response areas and mutual aid. She explained that because any agreement would involve two of their clients, both counties must determine whether they find the firm's representation of their interests acceptable.

# COMMISSIONERS PROCEEDINGS 3

At this time, Commissioner Bernhardt made a motion to approve the waiver for Hoffmann, Parker, Wilson & Carberry, P.C., to represent Morgan County and Washington County, with Commissioner Malone seconding the motion. The motion carried 3-0.

## **Consideration of Approval – First Amendment to Lease and Easement Agreement for Solar Energy System between Fort Morgan Solar, LLC and Morgan County**

Morgan County Attorney Kathryn Sellars to the Board the First Amendment to Lease and Easement Agreement for Solar Energy System between Fort Morgan Solar, LLC and Morgan County. Ms. Sellars stated that the lease and easement is for Fort Morgan Solar, LLC, that is out by the county shops. Ms. Sellars explained that project was to be done by December 31, 2025, however the project will not be done in that time and they are needing to amend the agreement to June 1, 2026 and no later than November 1, 2026.

At this time, Commissioner Malone made a motion to approve the First Amendment to Lease and Easement Agreement for Solar Energy System between Fort Morgan Solar, LLC and Morgan County, as presented by Morgan County Attorney Kathryn Sellars, with Commissioner Bernhardt seconding the motion. The motion carried 3-0.

## **Consideration of Approval and Adoption on second 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 ordinance pertains to OHV and ATV's on county roads and that this is the second reading. She noted that if it was approved today the ordinance would go into effect thirty days after publication. There have been no changes from the first reading to the second reading. She stated that this pertains to OHV and ATV's that are operated by drivers twenty-one years and older who possess 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.

Sheriff Martin has received numerous questions mostly as to the age of twenty-one being a requirement. He stated that under twenty-one year olds can operate the OHV and ATV as long as it is farm related operations. Also there would be no licensing or registrations with the county, however there would be with Colorado Parks and Wildlife.

Commissioner Bernhardt 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 second reading. Commissioner Malone seconded the motion. The motion carried 3-0.

## **Consideration of Approval – Resolution 2025 BCC 48, A resolution conditionally approving a four-lot minor subdivision, known at Polar Block Minor Subdivision**

**MORGAN COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS**  
**RESOLUTION 2025 BCC 48**

**A RESOLUTION CONDITIONALLY APPROVING A FOUR-LOT MINOR SUBDIVISION, KNOWN AS  
POLAR BLOCK MINOR SUBDIVISION, LOCATED IN THE SE<sup>1/4</sup> OF SECTION 13, TOWNSHIP 3  
NORTH, RANGE 59 WEST OF THE 6TH OF P.M., MORGAN COUNTY, COLORADO**

**WHEREAS**, Polar Block Properties, LLC (the "Owner") owns property located in the SE<sup>1/4</sup> of Section 13, Township 3 North, Range 59 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, (the "Property");

**WHEREAS**, Andrew Witt (the "Applicant") on behalf of the Owner applied for a four-lot minor subdivision pursuant to the County's Subdivision Regulations ("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 conditional approval;

**WHEREAS**, on October 21, 2025 and November 18, 2025, the Board of County Commissioners ("Board") held duly noticed public hearings on the Application;

**WHEREAS**, during the public hearings, the Board received testimony and evidence from the Applicants, Morgan County staff, and the public; and

**WHEREAS**, the Board desires to conditionally approve the Application.

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

**1. FINDINGS OF FACT**

# 4 COMMISSIONERS PROCEEDINGS

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

- a. The application documents are complete and represent how the subdivision will be laid out including infrastructure, easements and access subject to the conditions contained in this Resolution.
- b. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure subject to the conditions contained in this Resolution.
- c. Subject to the conditions below, the subdivision complies with the standards applicable to the subdivision as described in the Subdivision Regulations.
- d. The subdivision is compatible with surrounding land uses.
- e. The recommendations of referral agencies have been considered.
- f. The subdivision is not within 1,320 feet of a confined animal feeding operation.

## 2. CONDITIONS

The approval of the minor subdivision is conditioned upon the following:

- a. The Owner shall record a covenant that runs with Lots 1 through 3 of Polar Block Minor Subdivision and bind all subsequent owners of such lots. That covenant shall require that the owners of Lots 1 through 3 to maintain the private road along the north side of the Lots from the intersection of the private road with County Road 12 to the point at which the private road meets the west boundary line of Lot 1. At a minimum, the recorded covenant shall require the owners of Lots 1 through 3 to maintain the portion of the private road described in this condition in a passable condition annually and shall share equally in the cost of such maintenance. The recorded covenant must be submitted to the Planning and Zoning Department prior to recording and may not be recorded prior to the filing of the Polar Block Minor Subdivision. An agreement between the owners in Longbridge Estates Minor Subdivision and Polar Block Minor Subdivision addressing responsibility for maintenance and costs for the private road may be recorded in lieu of the required covenant described in this condition.
- b. The plat shall not be signed by the County or recorded until Lots 1 thru 3 of Polar Block Minor Subdivision are included into the Morgan County Quality Water District. Inclusion must be demonstrated by the recorded inclusion order from the Morgan County District Court. If the recorded inclusion order is not provided within six months of conditional approval of the application, the conditional approval is void without further action.

## 3. GENERAL PROVISIONS

- a. Any past, present, or future drainage problems on this site are the responsibility of the landowner and their successors and not that of Morgan County.
- b. Morgan County is not responsible for the quantity or quality of water supplied to this subdivision.

## 4. APPROVAL

The Board hereby conditionally approves the Polar Block Minor Subdivision, located in the SE1/4 of Section 13, Township 3 North, Range 59 West of the 6<sup>th</sup> P.M., Morgan County, Colorado.

DATED this 16th day of December, 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

# COMMISSIONERS PROCEEDINGS 5

(SEAL)

**ATTEST:**

s/ Kevin Strauch

Kevin Strauch

Nicole Hay, Morgan County Planning and Zoning Department Director, presented to the Board the Resolution 2025 BCC 48 a resolution conditionally approving a four-lot minor subdivision, known as Polar Block Minor Subdivision. Ms. Hay stated that on October 6, 2025, the Planning Commission held a public hearing on an application submitted by Polar Block Properties, LLC for a 4-lot Minor Subdivision to be known as Polar Block Minor Subdivision, located in the SE1/4 of Section 13, Township 3 North, Range 59 West of the 6th PM, Morgan County, Colorado. She explained that the Planning Commission recommended conditional approval on a vote of five in favor and one opposed. On October 21, 2025, the Board of County Commissioners considered the application and continued the hearing for further consideration to November 18, 2025. After considering all relevant testimony and evidence, the Board of County Commissioners conditionally approved the application. Resolution 2025 BCC 48 reflects the outcome of that hearing.

Commissioner Malone made a motion to approve the Resolution 2025 BCC 48 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 NE1/4NE1/4 of Section 5, Township 3 North, Range 57 West of the 6<sup>th</sup> 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 50, Morgan County Emergency Operations Plan**

Roger Doll, Emergency Management Director, presented to the Board a Resolution 2025 BCC 50, Morgan County Emergency Operations Plan. Mr. Doll noted that this plan is updated periodically to align with state standards and to stay eligible for certain grants. He noted that the last time it was updated was three years ago.

Commissioner Bernhardt made a motion to approve the Resolution 2025 BCC 50 a resolution Morgan County Emergency Operations Plan, as presented Roger Doll, Emergency Management Director. Commissioner Malone seconded the motion. At this time the motion carried 3-0.

## **Consideration of Approval – Resolution 2025 BCC 51, 2026 Budget Adoption**

Commissioner Malone made a motion to move **Resolution 2025 BCC 51, 2026 Budget Adoption** to the next scheduled meeting which is December 22, 2025 at nine a.m. Commissioner Bernhardt seconded the motion. At this time the motion carried 3-0.

## **Consideration of Approval – Resolution 2025 BCC 52, A Resolution Levying General Property Taxes For The Year 2025, To Help Defray The Costs Of Government For The County Of Morgan, Colorado, For The 2026 Budget Year**

Commissioner Bernhardt made a motion to move Resolution 2025 BCC 52, a Resolution Levying General Property Taxes For The Year 2025, To Help Defray The Costs Of Government For The County Of Morgan, Colorado, For The 2026 Budget Year to the next scheduled meeting which is December 22, 2025 at nine a.m. Commissioner Malone seconded the motion. At this time the motion carried 3-0.

## **Consideration of Approval – Resolution 2025 BCC 53, A Resolution Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amount As Set Forth, For The County Of Morgan, Colorado, For The 2026 Budget Year**

Commissioner Malone made a motion to move Resolution 2025 BCC 53, a Resolution Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amount As Set Forth, For The County Of Morgan, Colorado, For The 2026 Budget Year to the next scheduled meeting which is December 22, 2025 at nine a.m. Commissioner Bernhardt seconded the motion. At this time the motion carried 3-0.

Chairman Becker thanked past finance director Michelle Covelli for her hard work and for all years of service.

## **COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated December 12th, 2025 through December 23rd, 2025 with no changes.

Commissioner Bernhardt stated that several months ago the District Attorney's office moved to another facility due to the offices needed to be remodeled. He noted that the county was awarded a \$200,000 grant to help with that remodeling.

Being no further business the meeting was adjourned at 9:50 a.m.

Respectfully Submitted,

Kevin Strauch  
Clerk to the Board

# 6 COMMISSIONERS PROCEEDINGS

(Minutes ratified January 6, 2026)

**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, DECEMBER 16, 2025

Chairman Becker called the hearing to order at 10:02 a.m. on Tuesday, December 16, 2025 in the Assembly Room of the Morgan County Administration Building.

Chairman Jon Becker, Commissioner Kelvin Bernhardt, and Commissioner Tim Malone were present. Planning Director Nicole Hay, Planning Technician Jenafer Santos, Attorney Kathryn Sellars, and IT Director Karol Kopetzky were also present.

**OLD BUSINESS: Continued Hearing from November 18, 2025**

**OLD BUSINESS: Amended Special Use**

**Applicants and Landowners:** KS Land, LLC

**Legal Description:** Part of Section 15, Township 5 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado.

**Request:** To amend the existing Special Use Permit to expand the Four X Ranch Gravel Pit.

**APPLICATION OVERVIEW:**

Planning Director Nicole Hay read her file summary as follows:

**LANDOWNERS and APPLICANTS: KS Land, LLC**

KS Land, LLC has submitted an application to amend its special use permit for Four X Ranch Gravel Pit, which was originally granted through Resolution 2014 BCC 31. The original SUP was issued for aggregate mining. The amendment would allow for its expansion.

The current permitted area is approximately 33 acres, the expansion will increase the acreage to approximately 77 acres to include a part of the S½NE¼, SE¼, E½SW¼, and SE¼NW¼ of Section 15, Township 5 North, Range 57 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. The property is zoned Agriculture Production and is in the New Raymer Fire District.

The Four X Gravel Pit Construction Materials Permit expansion has been approved by the Colorado Division of Reclamation, Mining and Safety. A phased mining and reclamation plan has been incorporated in which no more than 30 acres may be disturbed by mining or pre-reclamation phases.

The Planning Commission held a public hearing on November 10, 2025, where the Planning Commission recommended approval on a vote of 5–0 with 1 member absent.

A Board of County Commissioners hearing was held on November 18, 2025, where the Board heard from KS Land, LLC, Public Works and the public. The public hearing was continued to December 16, 2025 in order for County Staff and KS Land, LLC to address access and road maintenance of County Road 21.

Staff is proposing a road maintenance agreement with the following elements:

1. Haul route in and out must be from the south. There are two options: 52 to Y to 21 or 52 to AA to 21.
2. Depending on the haul route, KS will have to stabilize the road by adding road base (up to 12 inches) to handle the truck traffic and any necessary crowning of the road to ensure

BOARD OF COUNTY COMMISSIONERS  
PLANNING AND ZONING — PUBLIC HEARING MINUTES  
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drainage. KS can provide the material and perform the stabilization. The County will inspect the work to ensure it meets this requirement. The work to stabilize the road must be completed by May 31, 2026 and should occur during periods of appropriate weather. KS Gravel shall provide the County at least thirty days notice prior to commencement of the work and coordinate any road closures with the County. Such notice may be made in writing or by calling the Public Works Department. If the stabilization work required interferes with County's road work, the County may alter when the road stabilization work may occur.

3. No parking or stacking of trucks along the CR 21 under any circumstances. The gate located on your property will need to be moved closer to the pit to allow for stacking or parking. The County would require the gate be moved to a location that would allow for and not deter parking and stacking on the road to the pit in inclement weather.
4. KS Land will need to pay for signage at the exit from your property indicating that the haul route is to the south and that only left-hand turns are permitted. The language on the signage will be determined by the County. The County will install such signage.
5. KS Land will make certain repairs to the road resulting from damage caused by its use of the road. See attached agreement.
6. KS Land and the County will meet annually to review the condition of the road. Based upon the annual review, the County may require KS Gravel to perform stabilization of the road in conformity with the original stabilization work required above.
7. KS Land may perform blading on the road subject to the restrictions contained in the agreement.

Staff is recommending approval of the application subject to the following condition:

1. The Applicant will enter into a road maintenance agreement addressing the haul route, access and the maintenance of County Road 21.

Nicole Hay,  
Morgan County Planning Administrator

**DISCUSSION:**

**Commissioner Malone** asked what the distance is that the 12 inches of road base that needs to be added to the road is?

**Public Works Director Bruce Bass** stated that it depends on what is determined for the final haul route. It should be about 2 miles. He explained the reasoning for the additional 12 inches. He clarified it is up to 12 inches. It could be less in some areas.

**Russell Smith, owner of KS Land LLC** presented this application to the Board of County Commissioners. He doesn't want to move his gate and do a timer to have the gate opened earlier to keep the trucks off of the road instead. He disagrees with the haul route being proposed on County Road Y due to a busy dairy that has truck traffic on County Road Y. He believes a traffic study should be done, and he should not be responsible for the improvements on the road when this was a previously approved application with the roads how they currently are.

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**Chairman Becker** stated the gate timer is a great solution. Certain routes are proposed due to the roads being able to handle the truck traffic. In order to do a traffic study, the route needs to be agreed upon. **Commissioner Bernhardt** motioned to continue the amended special use permit hearing until January 6th.

**Commissioner Malone** seconded.

**Motion carries, 3-0.**

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## **PUBLIC HEARINGS**

### **NEW BUSINESS: Rezoning**

**Applicant and Landowner:** Randall and Rhonda Jess

**Legal Description:** Located in part of Sections 25 and 26, Township 4 North, Range 58, West of the 6<sup>th</sup> P.M., Morgan County, Colorado.

**Request:** To rezone (4) parcels from Split Zone (SZ), Moderate Density Residential (MDR), Estate Residential (ER) and Rural Residential (RR) all to Agricultural Production (A).

### **APPLICATION OVERVIEW:**

Planning Director Nicole Hay read her file summary as follows:

**APPLICANT: Randall and Rhonda Jess**

**LANDOWNERS: Randall and Rhonda Jess and Deuel and Snyder Ditch Company**

Randall and Rhonda Jess have submitted an application to rezone the following parcels of land:

1. The SW1/4SE1/4 of Section 25, Township 4 North, Range 58 West of the 6<sup>th</sup> PM, Morgan County, Colorado, to rezone from Rural Residential (RR) to Agricultural Production (A).
2. A 14.99-acre parcel of land in the SE1/4NE1/4 of Section 26, Township 4 North, Range 58 West of the 6<sup>th</sup> PM, Morgan County, Colorado, to rezone from Moderate Density Residential (MDR) to Agricultural Production (A).
3. The S1/2NE1/4 of Section 26, Township 4 North, Range 58 West of the 6<sup>th</sup> PM, Morgan County, Colorado, to rezone from Estate Residential (ER) to Agricultural Production (A).
4. The W1/2NW1/4 and the SE1/4NW1/4 of Section 26, Township 4 North, Range 58 West of the 6<sup>th</sup> PM, Morgan County, Colorado, to rezone from a split zoning of Agricultural Production (A) and Estate Residential (ER) to Agricultural Production (A). Several years ago the County rezoned a large amount of parcels. Unfortunately, several parcels were not zoned in accordance with their boundaries. The boundaries of the newly rezoned areas were not established through a legal description or map. As a result, several parcels in Morgan County are subject to two or more zone districts without information regarding which parts of the parcel is subject to which zone district. This is referred to as split zoning in the County.

The Deuel and Snyder Ditch Company has no objection to rezoning a 25' strip owned by them in the SW1/4SE1/4 of Section 25.

Currently, the properties are vacant except for a residence in the SE1/4NE1/4 of Section 26 and all properties are in the Fort Morgan Fire District.

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The request to rezone the properties to Agricultural Production is to clean up the zoning because the property is primarily pasture land. There is limited access and there are no future development plans.  
Review

In reviewing these applications, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for Rezoning in Section 2-285 of the Morgan County Zoning Regulations have been satisfied.

Section 2-285 Rezoning Criteria:

(A) The rezoning is consistent with the provisions of the Morgan County Comprehensive Plan.

AG-2 Goal: Preserve existing agricultural lands that grow food for the community and support the efficient expansion of productive agricultural uses, farms, ranches, and facilities.

*The proposed rezoning will protect the existing agricultural areas from the impacts of development.*

(B) The rezoning is compatible with surrounding zone districts.

*The surrounding zonings include estate residential (Rolling Hills Estates), moderate density residential (Morgan Heights), rural residential (Quail Dunes Golf Course), and agricultural production. With this mix of surrounding zoning, agricultural production zoning is compatible.*

(C) It is in the best interests of or furthers the health, safety, or general welfare of the citizens of Morgan County; and either:

- (1) Conditions in the area of the proposed rezoning or in adjacent areas have changed or are changing to such a degree as to warrant the rezoning; or
- (2) The property was zoned in error under the current zoning.

*The properties have always been used as pasture land and development would be difficult due to lack of access and the terrain. Rezoning the properties will conform to the current conditions.*

Planning Commission

This application was considered by the Planning Commission in a public hearing on December 8, 2025 and recommended approval on a vote 5-0, one member was absent.

Recommendation

The application generally meets the criteria as explained above and staff recommends approval of the application.

Nicole Hay,  
Morgan County Planning Administrator

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**DISCUSSION:**

Randy Jess presented this application to the Board of County Commissioners.

**PUBLIC COMMENT OPEN: None**

**PUBLIC COMMENT CLOSED:**

**BOARD OF COUNTY COMMISSIONER DISCUSSION:**

Commissioner Malone moved to approve the rezoning application for applicants and landowners Randall and Rhonda Jess with the legal description as described by Administrator Hay

Commissioner Bernhardt seconded.

**Motion carries, 3-0.**

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**NEW BUSINESS: 1041**

**Applicant:** Tri-State Generation and Transmission Association, Inc.

**Request:** To construct, operate and maintain a single-circuit, 230-kv overhead transmission line along the proposed route and associated facilities located within Morgan County for the Big Sandy to Badger Creek 230-kv Transmission Project (Project).

**APPLICATION OVERVIEW:**

Planning Director Nicole Hay read her file summary as follows:

**Application Background**

On February 27, 2025 Bruce Bass, John Goodman and James Rehn with the Public Works Department and Cheryl Brindisi, Jenafer Santos and myself for the Planning and Zoning Department met with representatives from Tri-State Generation and Transmission Association (Tri-State) and Power Engineers for a pre-application conference regarding a new 230-kV overhead transmission line from an existing Big Sandy substation to a new Badger Creek switching station. Information regarding the proposed activity was forwarded to the Board for consideration concerning whether a preliminary application would be required pursuant to the Morgan County 1041 Regulations (“1041 Regulations”). After a discussion between the Board and County staff during the Board’s meeting on March 4, 2025, the Board waived the preliminary application for the Big Sandy to Badger Creek project pursuant to Sec. 3-302(3) of the 1041 Regulations. The motion carried 3-0.

On June 30, 2025, Tri-State Generation and Transmission Association (Tri-State) and Power Engineers submitted a 1041 Application for Big Sandy to Badger Creek project. A waiver was also requested from several Morgan County 1041 Regulation requirements:

1. Section 3-305(2)(b)(i), which requires a list of names and addresses of all surface owners within 500 feet of the proposed transmission line centerline
2. Section 3-305(2)(b)(iii), which requires property title information
3. Sec. 3-305(2)(b)(iv), which requires a list of names and addresses of mineral interest holders with an interest in any real property proposed to be physically disturbed or crossed by the

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activity or development which is the subject of the application in the case of projects to be constructed more than ten feet below the surface, excluding foundation structures for above-ground transmission lines

On July 21, 2025, I sent a letter to the applicant denying a waiver for items #1 and #3 but granting a partial waiver for item #2. The names and addresses of persons or entities with an ownership interest in real property proposed to be physically disturbed or crossing by the proposed use must be provided. However, the remaining information required by Sec. 3-305(2)(b)(iii) is not required. In addition, the letter explained that the application was deemed incomplete due to several missing items and lack of clarity on other items.

On August 29, 2025, after the missing items were submitted and required information was provided, I sent a letter informing Tri-State of the determination of a complete application.

On October 10, 2025, Tri-State and the County entered into a 1041 Permit Application of Site Selection and Construction of a Major Facility of a Public Utility Deadline Waiver Agreement to define the applicable deadlines for review and final action by the County for this proposed project. Deadlines set forth in C.R.S. §§ 29-20-108, 24-65.1-501(2), and section 2-301 of the Morgan County 1041 Regulations related to notice of and scheduling of a public hearing and for a final action by the County were waived.

In addition to the permit application, packets for the Board hearing include referral responses from Colorado Department of Transportation, Xcel and the written approval of the Certificate of Public Convenience and Necessity (CPCN) received from the Colorado Public Utilities Commission (CPUC).

**Proposed Project**

This is a project to improve reliability and close the transmission gap between Colorado and New Mexico. Additionally, the proposed project will reduce and/or eliminate restricted generation, provide upgrades to meet present and future needs of Tri-State members and assist Tri-State in making progress on its Electric Resource Plan goal by accommodating 400 MW of new resources through new opportunities for interconnection.

The proposed project spans approximately 72 miles through a portion of Lincoln, Washington and Morgan Counties and will include approximately 24 miles of new 230-kilovolt double-circuit electric transmission line and a new (Badger Creek) switching station in Morgan County.

The proposed transmission line would be constructed on privately-owned land in a proposed 150 to 200-foot right-of-way. The general location of the proposed transmission line route is within the southern 6 miles of Morgan County between State Highway 71 and County Road 10. A wooden H-frame structure will be used in most locations with self-supporting steel structures installed at line angles and typically 50 to 100 feet in height. The structures will be approximately 500 feet to 1,200 feet apart depending on site-specific conditions and topography.

The new Badger Creek Switching Station is proposed approximately 14 miles southwest of the City of Fort Morgan. It will include a 12.5 to 15-acre facility with a 4.4 acre fenced in switchyard.

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Tri-State conducted a landowner outreach program to share project information with and get feedback from impacted landowners. Current land uses will be mainly unchanged after construction allowing agricultural activities along the transmission line except for the small areas occupied by the transmission poles.

The construction schedule is contingent on acquiring all necessary land rights, permits, labor, and materials. Construction is anticipated to begin in 2027 with an estimated in-service date in early 2028.

**Guidelines and Regulations for Areas and Activities of State Interest, Morgan County, State of Colorado - Criteria for Decision**

Section 3-101 of the Morgan County 1041 Regulations. The overall purpose and intent of the provisions of County's 1041 Regulations that apply to the project are as follows:

- (1) To encourage planned and orderly land use development;
- (2) To provide for the needs of agriculture, forestry, industry, business, residential communities, and recreation in future growth;
- (3) To encourage uses of land and other natural resources which are in accordance with their character and adaptability;
- (4) To conserve soil, water, forest and agricultural resources and to protect vested water rights;
- (5) To protect the beauty of the landscape;
- (6) To promote the efficient and economic use of public resources;
- (7) To regulate the site selection and construction of major facilities of a public utility to prevent significant deterioration or degradation of existing air and water quality in Morgan County;
- (8) To avoid or reduce direct conflicts with adopted local government, regional and state master plans; and
- (9) To regulate the site selection and construction of major facilities of a public utility to preserve the health and welfare of the citizens of Morgan County.

Section 3-306 of the Morgan County 1041 Regulations require a review of certain criteria when determining whether to approve the proposed project, as follows:

- (1) The Board of County Commissioners shall approve an application for permit for site selection and construction of a major facility of a public utility (with reasonable conditions, if any, in the discretion of the Board of County Commissioners) only if the proposed site selection and construction complies with the following criteria to the extent applicable:

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(a) The health, welfare and safety of the citizens of this County will be protected and served;

*Staff analysis: There are no anticipated substantial adverse impacts to the health, welfare and safety of the County's citizens. Impacts to environmental resources such as air, water, waste, noise, and public health will be minimal and limited to the construction period. Although transmission lines can generate electromagnetic fields, Tri-State's lines will comply with all applicable laws, including the National Electric Code. Moreover, most of the lines will be in sparsely populated areas.*

(b) The natural and socio-economic environment of this County will be protected and enhanced;

*Staff analysis: Impacts to the natural environment are anticipated to be temporary and limited in nature. Most impacts will occur during the construction phase, and Tri-State will be required to use best management practices to avoid harm to areas outside of the lines' right-of-way. Some relatively minor temporary economic benefits are expected as construction crews work on the Project. However, because the crews will be relatively small and the construction will be temporary, the direct economic benefits are not anticipated to be substantial. The installation of the transmission lines will provide additional opportunity for placement of interconnection facilities. Landowners may benefit by contracting for the use of their land for renewable energy generation projects that would otherwise not occur. These generation projects will come with benefits and drawbacks. New jobs will be available and construction crews will use local businesses. However, renewable energy projects have additional impacts on the area, including use of agricultural land, and noise, visual, and wildlife impacts.*

(c) All reasonable alternatives to the proposed action, including use of existing rights-of-way and joint use of rights-of-way, wherever uses are compatible, have been adequately assessed and the proposed action represents the best interests of the people of this County and represents the best utilization of resources in the impact area;

*Staff analysis: Tri-State has provided a Routing and Siting Study as Appendix A to its application. The Routing and Siting addresses how Tri-State considered a variety of factors in selecting the route of the transmission lines and how the route was modified to address these factors. The route for the transmission line is on privately-owned land. Section 11 of Tri-State's narrative addresses alternatives considered by Tri-State.*

(d) A satisfactory program to mitigate and minimize adverse impacts has been presented;

*Staff analysis: There are no anticipated non-mitigated adverse impacts other than the potential impact on County roadways, and unremediated land subsequent to construction activity. These concerns are adequately mitigated via the agreement between the County and Tri-State, requiring Tri-State to return any damaged County roadways to their condition prior to Tri-State-caused damage. Tri-State will be required to fully remediate land damaged by its construction activities. Please see Section 12 of Tri-State's*

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*narrative for additional details regarding how they will mitigate and minimize adverse impacts.*

- (e) The nature and location or expansion of the facility complies with all applicable provisions of the master plan of this County, and other applicable regional, metropolitan, state, and national plans;

*Staff analysis: The project is compatible with the County's master plan. It protects the agricultural character of the County, provides upgrades to meet present and future needs of Tri-State members and new opportunities for interconnection in the County.*

- (f) The nature and location or expansion of the facility complements the existing and reasonably foreseeable needs of the service area and of the area immediately affected by the facility;

*Staff analysis: The project is not anticipated to cause significant changes to the use of land in its area. Following construction, agricultural activities along the transmission line route can continue outside of the small area occupied by the transmission poles and the Badger Creek Switching Station footprint.*

- (g) The nature and location or expansion of the facility does not unduly or unreasonably impact existing community services;

*Staff analysis: No additional governmental services are required by the project.*

- (h) The nature and location or expansion of the facility will not create an expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services, as determined by the Board;

*Staff analysis: No additional governmental services are required by the project during or after construction. There may be impacts on County roadways, which can be mitigated by requiring Tri-State to prepare a traffic plan and remediate any damage caused to County roadways.*

- (i) The facility site or expansion area is not in an area with general meteorological and climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance;

*Staff analysis: The equipment will be designed to withstand unusual meteorological events. The transmission lines and switching station will be able to function normally in a wide range of County weather conditions.*

- (j) The nature and location of the facility or expansion will not adversely affect the water rights of any upstream, downstream, or agricultural users, adjacent communities or other water users;

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*Staff analysis: No water rights will be impacted by the project.*

(k) Adequate water supplies are available for facility needs;

*Staff analysis: Water for construction activities will be trucked into the location and obtained from local permitted water sources. Large quantities of water are not necessary for the project. Bottled water will be provided for human consumption during construction.*

(l) The nature and location of the facility or expansion will not unduly interfere with any existing easements for or rights-of-way, for other utilities, canals, mineral claims, or roads;

*Staff analysis: As part of the land rights process, Tri-State will identify existing easements and rights-of-way for other utilities, canals, mineral claims, or roads and will not cause any undue interference with existing easements or rights-of-way during construction and operation of the project.*

(m) Adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the site;

*Staff analysis: Any utilities required for the project will be adequate.*

(n) The nature and location for expansion of the facility will not interfere with any significant wildlife habitat or adversely affect any endangered wildlife species, unique natural resource or historic landmark within the impact area;

*Staff analysis: There will be impacts during construction of the project, including increased construction equipment impact, noise, and dust. There could be sediment runoff from the construction activities into irrigation ditches and other waterways. However, Tri-State represents that it will implement best management practices to control sediment and runoff into canals and waterways during construction. Tri-State will be regulated by CDPHE and is required to follow state standards to control fugitive construction dust. Once operational, most environmental impacts will be limited.*

*The transmission line route will span wetlands. Tri-State believes it will be able to span most wetlands and therefore, will not adversely impact them. However, if a wetland cannot be spanned, Tri-State will need to obtain appropriate permits from the Army Corps of Engineers.*

*Tri-State has conducted studies on the impact of the project on species in the area and is in the process of coordinating with Colorado Parks and Wildlife regarding the routing and related impacts of the transmission lines in the area. There will be impacts to*

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*habitat due to clearing activities for construction. However, these impacts should be limited to the 150 to 200-foot right-of-way.*

(o) The nature and location or expansion of the facility, including expected growth and development related to the operation and provision of service, will not significantly deteriorate water or air quality in the impact area;

*Staff analysis: Drainage facilities will be constructed to address the increased impervious area caused by the switching station. Best management practices will be followed during construction to minimize run-off into waterways and irrigation ditches. There will be increased air pollution from fugitive dust, fumes, and construction equipment exhaust. Because the majority of the construction activity will occur in sparsely-populated areas, the impacts are anticipated to be minimal. The County retains its nuisance-enforcement authority and will regulate Tri-State's construction activity if it results in adverse impacts to the neighboring properties.*

(p) The geological and topographic features of the site are adequate for all construction, clearing, grading, drainage, vegetation, and other needs of the facility construction or expansion;

*Staff analysis: The switching station location is flat and minimal grading activity is expected. The majority of the transmission line route is also relatively flat. Therefore, no major topographic issues are expected. There will be clearing of vegetation within the 150 to 200-foot right-of-way to facilitate construction activities. Any damages will be reclaimed upon completion of construction.*

(q) The existing water quality of affected state waters will not be degraded below state and federal standards or established baseline levels.

*Staff analysis: There is some risk of runoff from the construction area into local waterways and irrigation ditches. However, Tri-State will employ best management practices to avoid any significant issues. Upon completion of construction, the transmission line infrastructure will span most wetlands and waterways. If wetlands or waterways of the United States cannot be avoided, Tri-State will be required to obtain federal permits.*

(r) The proposed project will not have a significantly adverse net effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, nor on the permeability, volume, recharge capability, and depth of aquifers in the impact area.

*Staff analysis: See Section (q), above. There will be no impact on aquifers.*

(s) The benefits of the proposed developments outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.

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*Staff analysis: Minimal loss of agricultural land is anticipated. There could be some impact on natural resources, primarily resulting from impact of construction activity on wildlife habitat. However, Tri-State will be working with CPW to limit these impacts. The proposed development will provide some short terms economic benefit to local businesses during construction. The longer term benefits include the improvement of the state's electric reliability and reduce curtailment, therefore benefitting Tri-State customers.*

(t) The applicant has obtained or will obtain all property rights, permits, and approvals necessary for the proposed project, including surface, mineral, and water rights and easements for drainage, disposal, utilities, access, etc. If the applicant has not obtained all necessary property rights, permits and approvals, the Board may, at its discretion, grant the permit conditioned upon completion of the acquisition of such rights prior to issuance of a zoning or building permit by the County.

*Staff analysis: Tri-State will be required to obtain all necessary property rights for the transmission lines prior to commencement of construction. All easements required for construction will be secured and recorded with the Clerk and Recorder of Morgan County prior to construction.*

(u) The proposed project will not present an unreasonable risk of exposure to or release of toxic or hazardous substances within the impact area. The determination of effects of the project shall include the following considerations:

- (i) The means by which outdoor storage facilities for fuel, raw materials, equipment and related items are adequately enclosed by a fence or wall;
- (ii) The likelihood of hazardous materials or wastes being moved off the site by natural causes or forces;
- (iii) Containment of inflammable or explosive liquids, solids or gases.

*Staff analysis: No hazardous material is involved in the project other than fuel, lubricants, and coolants for machinery, which Tri-State will store at its temporary construction areas. Tri-State will need to obtain temporary use permits for this activity and the County will require that such material be stored appropriately in a manner that minimizes the risk of any spills.*

(v) The scope and nature of the proposed project will not create duplicate services within the County; and

*Staff analysis: The transmission lines and switching station fill a need for reliability and more transmission-related capacity for renewable energy generation facilities. They will not duplicate existing services in the County.*

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(w) If the purpose and need for the proposed project are to meet the needs of an increasing population within the County, area and community development and population trends demonstrate clearly a need for such development.

*Staff analysis: The project is not aimed at meeting the needs of the County due to its increasing population.*

(2) The Board of County Commissioners shall deny the permit if the proposed development does not comply with the applicable criteria in subsection (1) of this Section.

(3) The Board may impose additional mitigation requirements and conditions on an applicant as follows if it complies with each of the following steps:

(a) The Board shall make written findings that each such requirement and condition is necessary to ensure that the proposed project will not result in significant adverse net effect on the resources, values and conditions referenced above.

(b) The Board shall also find in writing that each such requirement and condition is necessitated by the proposed project.

(c) All such findings shall be based on material in the administrative record.

(d) The Board shall base the additional requirements and conditions on applicable design standards as adopted by the County, to the extent that such standards then exist.

**Recommendation**

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

**Recommended Conditions**

The following conditions are recommended if the 1041 Areas and Activities of State Interest Application for Big Sandy to Badger Creek transmission lines and Badger Creek switching station is approved:

1. Documentation demonstrating that Tri-State has obtained the necessary ownership or possessory rights for the transmission line and switching station must be submitted to the Planning & Zoning Department prior to commencement of the construction of the transmission line and switching station. All of the documentation required by this condition must be submitted prior to the commencement of any portion of the construction of any component of the Project.
2. All necessary land use, environmental, and construction permits, approvals and authorizations will be obtained prior to the start of and during construction as required and may include, but are

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not limited to, land use permits, right-of-way (ROW) permits, road use agreements, access permits, oversize/overweight permits, grading permits, and stormwater permits.

3. No poles shall exceed a height of 100 feet. Any poles that exceed this height will require prior approval from the County, upon a showing by Tri-State that such height is necessary. Such additional height may be approved by the County Planning Administrator upon application and request from Tri-State. The County Planning Administrator may request any additional information necessary to determine whether approval should be granted.
4. The Badger Creek Switching Station shall be enclosed by a security fence at least 7 feet tall with one foot of barbed wire and be secured at all times.
5. Prior to the commencement of construction, Tri-State will enter into a road use agreement for the use of any public road during construction which shall include the following:
  - a. A map showing which County roads will be used during construction. Any super loads shall be identified. Any haul route specifically for super loads, if required by the Public Works Director, requires a separate map.
  - b. Pre and post construction surveys and/or reports of County roads to be used during construction required by County staff, obtained by and paid for by the applicant and prepared by a Colorado licensed engineer.
  - c. A mitigation plan to address traffic congestion, control, and potential impacts to County roads to be used during construction. The mitigation plan shall also include any dust mitigation activities.
  - d. A requirement that the applicant is to make repairs to any roads during construction and return any County roads to their pre-construction baseline condition, at its expense.
  - e. A requirement to post financial security in an amount not less than one hundred fifteen percent (115%) of the estimated cost to complete all road restoration, in the form of an irrevocable letter of credit or cash escrow. Cost estimates shall be provided by a licensed Colorado engineer. Upon preliminary acceptance of the restored public road, the County shall release all but fifteen percent (15%) of total actual costs of restoration of the public roads, so long as Tri-State is not in default of any provision of the public improvements agreement. The County shall inspect the restored roads and Tri-State shall pay to the County the cost incurred by the County in conducting such inspections. These costs shall be due and payable upon demand of the County. Tri-State shall be responsible for correcting or properly completing the restoration.
  - f. The residual fifteen percent (15%) retained by the County shall act as security for Tri-State's guarantee that the restoration remains free of defect during a two-year warranty period. Tri-State may at any time during the preliminary acceptance or warranty period

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offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the County. The County may accept substitute or supplemental forms of security in its sole discretion.

6. Prior to the commencement of construction, Tri-State must obtain all proper permissions from landowners to use private roads or develop access roads on any private property. No private access roads, new or currently in use, shall become public rights of way unless approved and accepted by the Board of County Commissioners.
7. The County will require temporary use permits for all temporary construction areas, any staging or laydown areas, or other temporary areas for construction activities (“Temporary Areas”). Tri-State is required to obtain a temporary use permits for all Temporary Areas prior to placing any equipment, materials or any other items associated with the Big Sandy to Badger Creek project in the temporary construction area. To obtain a temporary use permit, at a minimum, Tri-State must provide a map showing the Temporary Area by size (acreage and perimeter), a list of materials and equipment to be stored on the Temporary Areas, activities within the area (e.g., grading, storage, etc.), the length of time the temporary construction or staging or laydown areas will be in use and in the case of concrete batch plants, a copy of the APEN issued by the Colorado Department of Public Health and Environment. Temporary use permits issued for Temporary Areas may not be issued for a period longer than one year. There is no limit on the number renewals for the temporary use permits; however, Tri-State must notify the County at least thirty (30) days prior to the end of a permit of its intent to renew. It shall be a condition of every temporary use permit issued under this provision that all equipment and materials must be removed from the Temporary Areas and the area returned to a condition similar to its condition prior to construction, in accordance with paragraph 8 below. No permanent structures may remain in the Temporary Areas unless approved by the County pursuant to the applicable Morgan County Zoning Regulations.
8. Prior to use of any helicopters in connection with the Big Sandy to Badger Creek project, Tri-State shall provide at least thirty (30) days' written notice to the County Planning Administrator of the location of the helicopter fly yard and dates and hours of helicopter use. Tri-State shall comply with all FAA requirements, including but not limited to, notice of evacuation to residences.
9. All Temporary Areas and transmission lines rights of way, not needed for Tri-State's on-going operations or not used for crop production, shall be reclaimed and/or reseeded as soon as practicable but no later than six months after Tri-State has completed construction in that segment, unless the County Planning Administrator grants an extension for demonstrated good cause.
10. Construction occurring with  $\frac{1}{4}$  quarter mile of any residence shall not commence earlier than 7 a.m.

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11. Tri-State shall prevent the existence of any nuisances by way of its construction activities. All trash, litter, construction waste and any potentially hazardous materials shall be disposed of properly off-site. If the County determines that a nuisance exists and the nuisance is not abated or an abatement plan is not submitted to the satisfaction of the County, the County may, upon thirty (30) days' notice under this Agreement, draw upon the Performance Guarantee to pay the cost and expenses of abating the nuisance. The decision to draw on the Performance Guarantee shall be within the sole discretion of the County.
12. Tri-State shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
13. A final drainage plan for the switching station must be submitted for County review prior to the commencement of construction of the switching station.
14. Tri-State shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice Tri-State for costs and fees and payment will be due by Tri-State within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.

Nicole Hay  
Morgan County Planning Administrator

**DISCUSSION:**

**Chairman Becker** asked if we get as-builts? It needs to be a condition that we receive those items. **Director Hay** stated it can be something that can be visited with the applicants to receive these for this project. She does not believe we have received them in the past.

**Chairman Becker** noted we may want to consider notification to landowners that are located nearby for when they are using helicopters.

**Isabella Beshouri, environmental planner for Tri-State addressed at 1100 W 116th Ave, Westminster** presented this application to the Board of County Commissioners.

**Commissioner Bernhardt** asked if they foresee any difficulty obtaining the easements at this time?

**Jonathan Clark, land right specialist for Tri-State addressed at 1100 W 116th Ave, Westminster** said he has been working directly with all of the landowners for this project in Morgan County. They are just going back and forth with easement language with attorneys at this point.

**PUBLIC COMMENT OPEN:**

**Eldon Hawes addressed at 3757 County Road 14, Fort Morgan** states this project goes across his property with about 60 acres of easements. They have had a hard time getting cooperation from Tri-State with their negotiations. He presented copies of the letter proposal he received from Tri-State to the Board. Their letter states Tri-State has eminent domain, and that is a concern for him. He has concerns about County Road F being able to handle the traffic for this project. He is requesting the Board have Tri-State have all landowner's permissions before this 1041 application is approved, not prior to construction. He stated there are old wells and cisterns that would be located in their right-of-way.

**Commissioner Malone** asked if the negotiations that have been going on have been with them directly or with legal counsel?

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**Edwin Hawes** stated that it's through legal counsel. His legal counsel hasn't heard back from Tri-State with their negotiations.

**PUBLIC COMMENT CLOSED:**

**BOARD OF COUNTY COMMISSIONER DISCUSSION:**

**Isabella Beshouri** understands where the concerns come from. She clarified that they are legally required to announce they have eminent domain in their letters. That is not how they prefer to do business. Their ultimate goal is voluntary acquisition, and having those easements in their hand prior to application approval creates a smaller margin for negotiations with landowners. They are open to enter into any road use agreements to restore the roads to their original state. They treat any noxious weeds for the life of the project and will reseed as needed.

**Jonathan Clark** stated that the intention of those easements is to be able to access the project in the shortest time possible if needed in case of a storm and a line goes down. They met with Mr. Hawes' counsel about 4 weeks ago and they are still in negotiations and reviewing the changes requested.

**Chairman Becker** mentioned that we have to meet certain standards. He dislikes the term eminent domain that is being used. The County has a commitment to the current landowners.

**Commissioner Bernhardt** does not feel comfortable approving this application at this time. There should be more time to allow for negotiations with the landowners. The County also needs to talk with R&B regarding a potential road use agreement.

**Selina Koler, Tri-State environmental manager addressed at 1100 W 116th Ave, Westminster** stated that there is a condition that Director Hay had mentioned regarding a road use agreement already. In regards to eminent domain, she has only been through 1 eminent domain procedure in the 13 years she has been with the company.

**PUBLIC COMMENT REOPENED OPEN:**

**Eldon Hawes** said they are using the wording eminent domain to make their payment to the landowners. The wording in their letter states what they are allowed to take it for. They are using it to set the price. The only road they can use is County Road F.

**PUBLIC COMMENT CLOSED:**

**Johnathan Clark** stated compensation is something they negotiate with all landowners. They have not heard from their counsel as to what that compensation would be.

**Chairman Becker** stated his duty is to protect people and citizens of Morgan County. He agrees with Commissioner Bernhardt; he is not comfortable to give this project approval today. He is looking for options signed by the majority of the landowners for their easements.

**Commissioner Bernhardt** motioned to continue the hearing for the Tri-State 1041 to January 20th for negotiations to happen.

**Commissioner Malone** seconded.

**Motion carries, 3-0.**

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**NEW BUSINESS: Regulation Amendments regarding Cisterns**

**REGULATION AMENDMENT OVERVIEW:**

Planning Director Nicole Hay read her file summary as follows:

**AMENDMENTS  
MORGAN COUNTY ZONING REGULATIONS**

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House Bill 24-1173 addresses permitting requirements for electric vehicle (EV) charging systems in Colorado. The bill requires counties with a population of 20,000 or more to adopt an ordinance or resolution by December 31, 2025 regulating the permitting of EV charging systems. The ordinance or resolution needs to 1) adopt the Colorado Electric Vehicle Charging Model Land Use Code developed by the Colorado Energy Office, 2) establish standards and an administrative review process for reviewing EV charger permit applications, or 3) opt out of the Model Code or the process to establish standards and continue using an existing permitting review process for such applications.

The County does not currently have a permitting process specifically addressing EV charging stations. To the extent an EV charging station is proposed, depending on its use classification (primary v. accessory), it would require a special use permit or a zoning permit. To more clearly provide for accessory EV charging systems, the proposed amendments are summarized as follows:

1. Definitions. Add a definition for electric vehicle charging system.
2. Electric Vehicle Charging Systems. Will be an accessory use as a use by right (UBR) in the Light Industrial (LI) and Commercial (C) zones. They will also be an accessory UBR when located on the same property as an event center, hotel, motel, restaurant, or gas station.
3. Regulation clarification. Currently, there is an inconsistency with Accessory Uses (Sec. 3-130(H)) and the Table of Uses (Sec. 3-235).

The Planning Commission recommended approval at a public hearing held on December 8, 2025 on a vote of 5 – 0, one member was absent.

Nicole Hay  
Morgan County Planning Director

**DISCUSSION:**

**Chairman Becker** clarified that this is not EV inside of your home.

**PUBLIC COMMENT OPEN: None**

**PUBLIC COMMENT CLOSED:**

**BOARD OF COUNTY COMMISSIONER DISCUSSION:**

**Commissioner Malone** motioned to approve the zoning amendments related to electric vehicle charging systems to comply with HB24-1173.

**Commissioner Bernhardt** seconded.

**Motion carries, 3-0.**

**MORGAN COUNTY, COLORADO**

**BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO. 2025 BCC 49**

**A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS TO  
ESTABLISH ELECTRIC VEHICLE CHARGING SYSTEM REGULATIONS**

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WHEREAS, the County desires to amend the Morgan County Zoning Regulations to establish regulations regarding the use of electric vehicle charging systems.

WHEREAS, on December 8, 2025, the Planning Commission held duly noticed public hearings on the proposed amendments;

WHEREAS, on December 16, 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:

**Electric Vehicle (“EV”) Charging Systems:** A device that is used to provide electricity to a plug-in electric vehicle or plug-in hybrid vehicle, which is designed to ensure that a safe connection has been made between the electric grid and the vehicle, and is able to communicate with the vehicle’s control system so that electricity flows at an appropriate voltage and current level.

Section 2. Section 3-130(H) of the Morgan County Zoning Regulations is amended to read as follows:

(H) Accessory uses may be specifically identified in the Use table in Sec. 3-235 and pursuant to the Use Table may require a specific permit. Accessory uses which are incidental to and commonly associated with a use by right and not specifically identified in the Use Table should be considered a use by right. Further, construction of accessory uses may or may not require a building or zoning permit. If a permit is required, a map showing the location of the accessory use on the lot in relation to other buildings and property lines will be required.

Section 3. The Morgan County Zoning Regulations are amended by the addition of a new section to read as follows:

#### ELECTRIC VEHICLE CHARGING SYSTEMS

##### 4-490 Standards

(A) Electric vehicle (“EV”) charging systems are an accessory use by right when located on the same property as an event center, hotel, motel, restaurant or gas station.

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- (B) EV charging systems shall comply with the County's applicable building code.
- (C) EV charging systems' parking spaces are counted towards the minimum parking spaces for the primary use on the same property.

APPROVED this 16th day of December, 2025.

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

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Jon J. Becker, Chair

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Tim A. Malone, Commissioner

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Kelvin S. Bernhardt, Commissioner

ATTEST:

(SEAL)

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Kevin Strauch, Clerk to the Board

Being no further business, the meeting was adjourned at 12:24 p.m.

Respectfully Submitted,  
*Jenafer Santos*  
Planning Technician