

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

November 17, 2020

As reflected in posted agenda:

The County Will Be Abiding By the Social Distancing Requirements in Public Health Order 20-28 for This Meeting. Due To Limited Space In The Assembly Room, Remote Attendance Is Encouraged. If You Have Any Questions Regarding Attending The Meeting, Please Contact Karla Powell at 970-542-3500.

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83680864887> 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 November 16, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83680864887> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 836 8086 4887

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/83680864887> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 836 8086 4887

The Board of Morgan County Commissioners met Tuesday, November 17, 2020 at 9:17 a.m. with Chairman Mark Arndt, Commissioner James Zwetzig and Commissioner Jon Becker in attendance.

### CITIZEN'S COMMENT

There was no citizen comment provided.

### ADOPTION OF THE AGENDA

Commissioner Becker made a motion to adopt the agenda as presented, with Commissioner Zwetzig seconding the motion. Motion carried 3-0.

### CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated November 10, 2020
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 137, Motorola Solutions., Term of Contract November 17, 2020 through November 16, 2021
3. Ratify Commissioner Mark Arndt's signature on State of Colorado Department of Regulatory Agencies 911 Grant Agreement-Exhibit C-4 correction, signed November 10, 2020
4. Ratify Chairman Mark Arndt's signature on Retail Liquor or Fermented Malt Beverage License for Clavis Club of Morgan County, signed date November 10, 2020
5. Ratify Chairman Mark Arndt's signature on Retail Liquor or Fermented Malt Beverage License for The Flame Steakhouse, signed date November 10, 2020
6. Ratify the Board of County Commissioners approval on Fairgrounds Fee Waiver Request from Rocky Mountain Elk Foundation, signed November 9, 2020
7. Ratify the Board of County Commissioners approval on Fairgrounds Fee Waiver Request from Northeast Colorado Quarter Horse Association, signed September 28, 2020
8. Ratify the Board of County Commissioners approval on Fairgrounds Fee Waiver Request from District 14 FFA, signed October 30, 2020
9. Ratify the Board of County Commissioners approval on Fairgrounds Fee Waiver Request from Milleson - Wolever Benefit, signed October 30, 2020
10. Ratify Chairman Mark Arndt's signature on CARES Act Election Safety Grant-Primary Mailing Grant, signed November 12, 2020

Commissioner Zwetzig made a motion to approve the consent agenda items 1-10 as presented, with Commissioner Becker seconding the motion. Motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **Consideration of Approval – First Reading on Ordinance No. 1, Series 2020, An Ordinance Prohibiting the Accumulation of Junk and Rubbish, Weeds and Brush, and Requiring Removal of Unsafe Buildings in Morgan County**

Chairman Arndt noted this is the first reading of the ordinance and asked County Attorney Kathryn Sellars to present the first reading of the proposed ordinance. Ms. Sellars presented the proposed ordinance explaining the resolution that will be proposed in December to have these regulations removed from the zoning regulations explaining this being only a technical change to comply with the law and removing it from the regulations and creating an ordinance.

Commissioner Zwetzig shared a concern that was expressed to him by a Morgan County citizen regarding the county becoming its own dump zone, stating the concerns the ordinance requires and explained that there needs to be the appropriate enforcement regarding the matter. He stated he believes there should be something in connection to this ordinance that will allow for the enforcement of the junk and rubbish that could require an adjoining neighbor to remove the rubbish and provide protection to this property owner. Ms. Sellars responded to this concern explaining what could be done. Commissioner Becker stated there are enforcements being put in place with the ordinance, feeling the County will continue to see the issues, and the County will continue to have to pay the costs.

## 2 COMMISSIONERS PROCEEDINGS

Chuck Miller, 26060 County Road S, Brush, CO spoke stating he appreciates Commissioner Zwetzig's comments and stated this has been a major problem for many years, and asked if there was any knowledge of when fees commenced at the Landfill, with Chairman Arndt stating it was approximately in the early 1990's. Mr. Miller explained the concerns he had about the fee being imposed at the landfill, and the benefit of looking at a free landfill site, explaining there are many people struggling financially and this could be a benefit. He stated it is getting worse, stating when there is high winds, it does create problems for adjoining landowners and the issue he sees with having staff to enforce the issue. Ms. Sellars stated the enforcement would go through either the Planning and Zoning Department or the Morgan County Sheriff's Department. Further discussion followed regarding the issues this type of problem creates for the County and its citizens.

Ms. Sellars stated this will go to full publication in the local newspaper and will be continued until December 8<sup>th</sup> for action to adopt the ordinance and Chairman Arndt noted the first reading is complete.

### **Presentation by Chuck Miller, Taxpayer, on 2020 Lower South Platte Water Conservancy District Mill Levy**

Morgan County Taxpayer, Chuck Miller presented to the Board a presentation on the 2020 Lower South Platte Water Conservancy District Mill Levy. Mr. Miller provided a handout to the Board titled "Lower South Platte Water Conservancy District Fact Sheet" at which he read aloud into the record.

Mr. Miller also noted an article that was published in a local newspaper, reading aloud the article that was brought to his attention by a local taxpayer which indicates how the process was done properly by another conservancy district.

Commissioner Becker stated he agrees with the taxpayers of the Lower South Platte Water Conservancy and there is a constitutional question with the mill levy increase and the appropriate time for the Commissioners to address this would be during the mill levy certification as there are several questions as to how or if the board can take care of that. His decision is that he would hold the oath of office to a higher power than statute and he would uphold the constitution and therefore believes that certifying that mill levy would be against the constitution and probably would not be verifying for that increase at that time.

### **UNFINISHED BUSINESS**

There was no unfinished business.

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

Commissioners reviewed the calendar dated November 13, 2020 through November 24, 2020 with no changes.

Chairman Arndt presented the road report ending November 13, 2020 reading the report into the minutes.

Morgan County Clerk and Recorder Susan L. Bailey provided an update regarding the 2020 General Election and its outcome. Ms. Bailey thanked those who assisted with the Election naming her staff and election judges as well as Alvina Schrum of the Country Steakout who provided dinner to all election judges on Election night. Morgan County Citizen Chuck Miller spoke commending the Clerk and her staff for a job well done.

Commissioner Becker reminded everyone about the local health department meeting being held tomorrow regarding the COVID issue at hand.

Mr. Miller approached the podium waiting for action, asking for action regarding the matter he presented at this morning's meeting. Chairman Arndt stated he believes the Board will continue to gather additional information and seek legal guidance, further stating he does not believe action would be taken today. Commissioner Becker stating as much as he would like to take action today, when dealing with the certification of mill levies, is when the Board will have to take action on the mill levy that is being discussed today. Mr. Miller asked if it would be proper protocol to have a motion to table the matter for action to be taken at a later date, with Chairman Arndt asking Ms. Sellars for legal guidance, who was no longer present. Commissioner Becker made the motion to table the discussion on the Lower South Platte mill levy increase until the date of the certification of mill levies for Morgan County. Chairman Arndt seconded the motion, for discussion to be tabled until mill levy certifications are handled with Commissioner Zwetzig asking for clarification of the motion, with Mr. Miller stating to the certification of the 2021 Mill Levy, is not what is being requested, with further discussion following, the motion will be to table the discussion and readdress the issue of the increase of .500 to 1.000 of the 2019 certification for the 2020 certification and the 2021 certification.

Commissioner Zwetzig asked Mr. Miller to clarify his presentation, with Mr. Miller stating he presented as a taxpayer today speaking for the taxpayers. Mr. Miller stated he spoke on the simple question as being is the increase within the law. Commissioner Zwetzig asked if they have discussed this matter with the jurisdiction with Mr. Miller stating he personally has not, but there are taxpayers who have and explained what they were told. Discussion followed with Mr. Miller stating in all due respect the taxpayers elect the Commissioners to uphold the constitution and stated it is the only question they are asking is the increase constitutional or not, and it is up to the board to make that determination stating they have zero authority to challenge what is presented by the district, but do have the constitutional authority to ensure that the increase is allowable by the law.

Commissioner Zwetzig further commented about legal opinions and information he has obtained regarding this matter, and the question he has about whether or not he has the responsibility to be sure the jurisdiction whether or not they have overspent with Mr. Miller stating their question is only if the mill levy increase is within the law, with Commissioner Zwetzig stating he wished to move with the vote on the motion that is currently on the table.

Chairman Arndt again explained the motion on the table as being that of tabling the discussion regarding the Lower South Platte mill levy increase until the date of certification of mill levies for Morgan County which is scheduled for

# COMMISSIONERS PROCEEDINGS 3

December 22, 2020 at 9 a.m.. Mr. Miller expressed his concern about legal counsel with Ms. Sellars, who appeared back online after it had been noted she was no longer present, stating she had no comments at this time. At this time, the motion passed 2-1, with Commissioner Zwetzig being the dissenting vote.

## **2021 PROPOSED BUDGET HEARING**

Michelle Covelli, Director of Finance, provided the 2021 Proposed Budget stating this matter was set for public hearing today, and summarized the proposed budget numbers being submitted. Ms. Covelli presented the 2021 budget information in detail, explaining the proposed budget has been available for citizens to view prior to this hearing, explaining the proposed budget as being \$46,574,044.00 which is an increase of 4 million dollars from the 2020 budget, further explaining that increase as being for capital projects, stating operating expenses stayed the same, and no salary increases have been proposed or in this preliminary budget. The budget must be approved by the board December 15, 2020 prior to the County being able to certify the County's mill levy. Further discussion followed regarding the budgeted items, the property tax revenues and the various other revenues received by grants, and other departments. Commissioner Zwetzig asked if the current budget violates the TABOR, with Ms. Covelli explaining it does not violate TABOR and does not see any proposal to increase the county's mill levy.

At this time, Chairman Arndt opened the matter for public comment at which time there were no public comments made.

Ms. Covelli stated the proposed budget information is available at the County Commissioner's office as well as online on the Morgan County Website and comments can be received until December 15, 2020 when the budget is required to be adopted.

Morgan County Economic Development Corporation and Tourism Director, Kristen Basil-Clifford provided an update regarding the recent move of her office to 201 Ensign Street, Fort Morgan. She stated they are operating at full capacity at this time, thanking the board for updating the space for them and the upgrade to the board room with chairs being donated by Leprino Foods.

Chairman Arndt asked if there was any further business to bring before the Board, and upon hearing none, the meeting was adjourned at 10:14 a.m.

Respectfully Submitted,  
Susan L. Bailey  
Clerk to the Board  
(Minutes ratified November 24, 2020)

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

\_\_\_\_\_  
s/Mark A. Arndt  
Mark A. Arndt, Chairman

\_\_\_\_\_  
s/ Jon J. Becker  
Jon J. Becker, Commissioner

\_\_\_\_\_  
s/James P. Zwetzig  
James P. Zwetzig, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Susan L. Bailey  
Susan L. Bailey