

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting March 9, 2021

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/85725384530> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday March 8, 2021.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/85725384530> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 857 2538 4530

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/85725384530> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 857 2538 4530

The Board of Morgan County Commissioners met Tuesday, March 9, 2021 at 9:02 a.m. with Chairman Mark Arndt, Commissioner Jon Becker and Commissioner Gordon Westhoff in attendance. Chairman Arndt asked Morgan County Ambulance Director Travis Freeman to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

ADOPTION OF THE AGENDA

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

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated February 16, 2021
2. Ratify the Board of County Commissioners approval of Contract 2021 CNT 032, Official Payment Corp, Term of Contract March 2, 2021 through March 1, 2022
3. Ratify the Board of County Commissioners approval of Contract 2021 CNT 033, Peak Communications, Term of Contract December 2, 2020 through November 31, 2021
4. Ratify the Board of County Commissioners approval of Contract 2021 CNT 034, Crane & Hoist Sales, Inc., Term of Contract January 1, 2021 through December 31, 2021
5. Ratify the Board of County Commissioners approval of Contract 2021 CNT 035, CDI Drilling, Inc., Term of Contract January 26, 2021 until completed
6. Ratify the Board of County Commissioners approval of Contract 2021 CNT 036, D&J Electric, Inc., Term of Contract February 23, 2021 through March 1, 2022
7. Ratify the Board of County Commissioners approval of Contract 2021 CNT 037, City of Brush, Term of Contract January 1, 2021 through December 31, 2021
8. Ratify the Board of County Commissioners approval on Northeast Colorado RETAC appointment of Travis Freeman, dated February 24, 2021
9. Ratify the Board of County Commissioners approval on First Amendment to Agreement for Services 2021 CNT 20, Carlyle Investment Group dated February 19, 2021
10. Ratify Chairman Mark Arndt's signature on Morgan County Public Trustee Report for February 2021, signed March 08, 2021

Commissioner Becker made a motion to approve items 1-10 as presented, Commissioner Westhoff seconded the motion. At this time the motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Morgan County Ambulance Director Appointment of Travis Freeman

Morgan County Human Resources Director, Tracy Amen stated the new Morgan County Ambulance Director is Travis Freeman. Ms. Amen stated he has been with the County for 9 plus years, he started as a Cadet in 2012. Ms. Amen explained that Mr. Freeman is a licensed paramedic; he is on the national registry as a paramedic, flight paramedic along with numerous other achievements.

Mr. Freeman thanked the Board for all of their support that he has received over the years, stating that he is very privileged and honored in taking on this role.

Commissioner Mark Arndt told Mr. Freeman that he has big shoes to fill with the retirement of Joe King, and is proud to have a Morgan County native in the position and believes that Mr. Freeman will do a great job.

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Consideration of Approval – 2021 BCC 12 A Resolution Recognizing the Many Contributions of Morgan County Livestock Producers and Supporting the Local Agricultural Industry

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

RESOLUTION NO. 2021 BCC 12

**A RESOLUTION RECOGNIZING THE MANY CONTRIBUTIONS OF MORGAN COUNTY
LIVESTOCK PRODUCERS
AND SUPPORTING THE LOCAL AGRICULTURAL INDUSTRY**

WHEREAS, the Governor of Colorado has proclaimed a boycott of meat products, referred to as a “MeatOut” - in order to promote meatless diets as proposed by the Farm Animal Rights Movement (FARM), to be observed by Coloradans on March 20, 2021; and

WHEREAS, cattle and other livestock production have historically been, and continue to be, one of the key economic drivers in Morgan County; and

WHEREAS, Morgan County Livestock Producers are part of a \$3.4B state industry with a \$40B economic impact and accounts for 10% of the states total export sales; and

WHEREAS, The U.S. Department of Agriculture reported (2017) the annual sale value of Morgan County cattle, calves, poultry, and hogs exceeded \$470 Million; and

WHEREAS, there are 1,302 ag producers in Morgan County that employ over 5,000 citizens in the agriculture sector and related industries, a very large number of which are involved in ranching and livestock production; and

WHEREAS, The 2020-2025 Dietary Guidelines issued by the U.S. Food and Drug Administration recognizes that a variety of animal and plant proteins is important to a healthy diet; and

WHEREAS, Morgan County is a declared “Right to Farm” county and has taken regulatory steps to protect our active farms and ranches; and

WHEREAS, The Colorado General Assembly is considering passage of Senate Bill 21-079 which concerns deregulation of direct to customer meat sales in support of ranch to table private enterprise.

THEREFORE, BE IT RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO declares its support for our cattlemen and other livestock producers and proclaims March 20, 2021 as Morgan County Livestock Producers Day; and

BE IT FURTHER RESOLVED, that the Commission expresses their deep concern that the Governor of Colorado would call for a boycott, even of one-day duration, of an industry that is key and essential to both our local and state economy; and

BE IT FURTHER RESOLVED, that the Commission asks the Governor to rescind his “MeatOut” Proclamation and issue a new proclamation claiming March 20th to be “Colorado Healthy Foods Day” which would include all ag producers in Colorado; and

FINALLY, SHALL IT BE RESOLVED, that the Commission supports all ag producers in Morgan County and throughout the state of Colorado and ask all Colorado elected officials to stand with our ag producers and oppose Governor Polis’s “MeatOut” Proclamation.

APPROVED this 9th day of March, 2021.

**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/Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

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Commissioner Becker presented to the Board Resolution 2021 BCC 12 a Resolution Recognizing the Many Contributions of Morgan County Livestock Producers and Supporting the Local Agricultural Industry. Commissioner Becker stated that Governor Polis singled out one industry and placed a ban on the industry for one day. Commissioner Becker stated that agriculture is the second leading industry in the State and moving towards the top and it is irresponsible of the Governor to single out one industry in the State. Commissioner Becker explained our resolution not only says we do not agree with the Governor, but it also calls for action.

At this time, Commissioner Becker read the resolution aloud.

Commissioner Westhoff stated that it has taken time to make sure the financial data was correct and to be sure the resolution is right for Morgan County Agriculture Producers.

Commissioner Becker explained that the resolution is asking for action for the Governor to call March 20th Healthy Food Day which would include all agriculture producers in Colorado. He stated the Governor needs to be reminded of what agriculture really means to the State of Colorado.

Chairman Arndt agrees with the comments made by the Commissioners and noted that the economy is so fragile and the economic impact that this would cause even for only one day is outrageous.

Commissioner Westhoff made the motion to approve Resolution 2021 BCC 12, a Resolution Recognizing the Many Contributions of Morgan County Livestock Producers and Supporting the Local Agricultural Industry as presented. Commissioner Becker seconded the motion and motion carried 3-0.

Consideration of Approval – 2021 BCC 13 Resolution of The Board of County Commissioners of Morgan County Regarding Dissolution and Termination of the Northeast Colorado Regional Library

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 2021 BCC 13

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY REGARDING DISSOLUTION AND TERMINATION OF THE NORTHEAST COLORADO REGIONAL LIBRARY (Known as the Regional Bookmobile)

WHEREAS, an agreement was made in 1961 between the counties of Kit Carson, Logan, Morgan, Washington, and Yuma, to create the Northeast Colorado Regional Library;

WHEREAS, over time, counties have withdrawn from the Northeast Colorado Regional Library, and at present, the participating and funding counties are Yuma, Washington and Logan;

WHEREAS, the regional library has come to be known as the Regional Bookmobile “Bookmobile;”

WHEREAS, the Bookmobile was originally created under Title 84 of the 1953 Colorado Revised Statutes;

WHEREAS, the agreement that created the Bookmobile provided that the Bookmobile would be governed by and could be dissolved under Title 84 of the 1953 Colorado Revised Statutes;

WHEREAS, the Title 84 of the 1953 Colorado Revised Statutes has been repealed;

WHEREAS, the parties subsequently entered into “The Northeast Colorado Regional Library Agreement” in 1983;

WHEREAS, that agreement provided for governance and dissolution under Article 90 of the 1979 Colorado Revised Statutes;

WHEREAS, it is believed that the reference to “Article 90” in the 1983 agreement is to Title 24, Article 90 of the 1979 Colorado Revised Statutes, which is known as the Colorado Library Law;

WHEREAS, the Title 24, Article 90 of the 1979 Colorado Revised Statutes has been repealed;

WHEREAS, while no specific records have been located, at some point the Bookmobile entity was designated as a separate intergovernmental entity, presumably under Colorado Revised Statutes § 29-2-104, and identified as such with the Colorado Department of Local Affairs, Division of Local Government;

WHEREAS, the Bookmobile is identified in the records of the Division of Local Government as Northeast Colorado Bookmobile Services;

WHEREAS, at present, Title 24, Article 90 of the Colorado Revised Statutes addresses and governs, among other things, the dissolution of “joint” libraries under § 24-90-114;

WHEREAS, the Bookmobile falls under the definition of “joint library” in C.R.S. § 24-90-103(4), which provides in part that joint libraries are libraries that are “established and jointly funded through an agreement by two or more governmental units...”;

WHEREAS, that statute provides for dissolution of a joint library by resolution or ordinance of two or more governmental units in which the library is located acting through their governing bodies, after a public hearing;

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WHEREAS, Morgan County ceased its funding of the Bookmobile in 2014 and has not provided funding for Bookmobile since that time;

WHEREAS, the current members of the Bookmobile, Washington, Yuma, and Logan Counties, believe that given changed conditions, the Bookmobile is no longer utilized in a manner that justifies its costs, that organization should be dissolved and all current members have passed resolutions to dissolve the Bookmobile;

WHEREAS, to ensure that it is clear that Morgan County is no longer a member of the Bookmobile, it desires to approved this Resolution to dissolve the Bookmobile;

WHEREAS, the County posted notice of the public hearing on the dissolution at least 24 hours in advance of the public hearing; and

WHEREAS, the Morgan County Board of County Commissioners finds it to be proper to support the dissolution of the current regional library entity known as the Bookmobile, following procedures described in C.R.S. § 24-90-114.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Bookmobile is no longer necessary for the purposes for which it was originally created and should be dissolved.
2. The Board of Trustees of the Bookmobile shall take all appropriate steps for the payment of any outstanding debts and the distribution of any remaining assets to Logan, Washington and Yuma counties in a manner mutually agreed to by each County.
3. All indebtedness, including obligations arising from lease-purchase agreements, if any, of the Bookmobile shall be fully protected until retired, all trusts of the library, if any, will be continued as specified under current terms, and all property of the Bookmobile shall be divided as provided in any manner that is mutually agreed to by the Boards of County Commissioners of Logan, Washington, and Yuma Counties.
4. Such payment of outstanding debts and distribution of remaining assets shall be completed on or before December 31, 2021.
5. On or after December 31, 2021, the Morgan Board of County Commissioners shall notify the Department of Local Affairs, Division of Local Government of the dissolution and termination of the Bookmobile (Northeast Colorado Bookmobile Services) as an intergovernmental entity, provide copies of each county's resolution authorizing and directing such action and notification indicating that all Bookmobile debts have been paid and assets distributed.

APPROVED this 9th day of March, 2021.

**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/Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Commissioner Becker presented to the Board Resolution 2021 BCC 13 a Resolution of The Board of County Commissioners of Morgan County Regarding Dissolution and Termination of the Northeast Colorado Regional Library. Commissioner Becker stated that for Morgan County this is a formality; the County stopped funding the book mobile seven years ago. Commissioner Becker explained that there was not a Resolution passed for the dissolution and termination of the agreement, which is what this Resolution will do. Commissioner Becker stated that Morgan County has not contributed to this for seven years, as mentioned before it is only a formality to get the County out of the agreement.

Commissioner Becker made the motion to approve Resolution 2021 BCC 13 a Resolution of The Board of County Commissioners of Morgan County Regarding Dissolution and Termination of the Northeast Colorado Regional Library also known as the Regional Book Mobile. Commissioner Westhoff seconded the motion. Commissioner

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Becker noted that it should not be mistaken that the Board supports libraries and reading programs, but the Book Mobile was not utilized enough to continuing funding it. At this time the motion carried 3-0.

UNFINISHED BUSINESS

Consideration to Vacate 2020 BCC41, A Resolution Amending Certain Sections of the Morgan County Zoning Regulations Concerning Setbacks (replaced by 2021 BCC 11)

Chairman Arndt noted that 2020 BCC41, a Resolution Amending Certain Sections of the Morgan County Zoning Regulations Concerning Setbacks was presented in 2020 and it was replaced by 2021 BCC 11 and for the record 2020 BCC 41 needs to be vacated.

Commissioner Westhoff made the motion to vacate Resolution 2020 BCC 41, a Resolution Amending Certain Sections of the Morgan County Zoning Regulations Concerning Setbacks, with the replacement resolution being 2021 BCC 11. Commissioner Becker seconded the motion and motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated March 5, 2021 through March 16, 2021 with no changes.

Morgan County Sheriff, Dave Martin, Planning and Zoning Director Pam Cherry, Human Resource Director Tracy Amen and Information Systems Director, Karol Kopetzky Director were all present and noted their support for Resolution 2021 BCC 12 supporting the agricultural/livestock industry.

Being no further business the meeting was then adjourned at 9:23 a.m.

Respectfully Submitted,

Randee Aleman
Deputy Clerk to the Board

(Minutes ratified March 16, 2021)

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/Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey