

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS
Minutes of Meeting
June 9, 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/83822209149> If you cannot connect via Zoom, you may submit written public comment to bccmorganc@co.morgan.co.us by email by 4 p.m. on Monday June 8, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83822209149> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 838 2220 9149

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/83822209149> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 838 2220 9149.

The Board of Morgan County Commissioners met Tuesday, June 9, 2020 at 9:03 a.m. with Chairman Mark Arndt, Commissioner Jon Becker and Commissioner James Zwetzig in attendance. Chairman Arndt asked Morgan County Commissioner Jim Zwetzig to lead the meeting in the Pledge of Allegiance.

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 June 2, 2020
2. Ratify the Board of County Commissioners approval of Contract 2020 CNT 068 The Senior Voice, Term of Contract June 1, 2020 through November 30, 2020
3. Ratify the Board of County Commissioners approval of Contract 2020 CNT 069, Intrado Life & Safety Solution Amendment to current contract 2017 CNT 136, Term of Contract ending November 02, 2020
4. Ratify the Board of County Commissioners approval of Contract 2020 CNT 070, Cobitco, Inc., Term of Contract June 26, 2020 through completion
5. Ratify the Board of County Commissioners approval of Contract 2020 CNT 071 Service Master, Term of Contract June 1, 2020 through May 31, 2021
6. Ratify the Board of County Commissioners approval on Morgan County Tourism Panel Bylaws dated May 19, 2020
7. Ratify Chairman Mark Arndt's signature on the Veterans Officer report for the month of May, 2020
8. Ratify the Board of County Commissioners approval on assignment of debt collections to State Collections, Client #192851, #200141, #192957, #200110, #200002, #192267B, #192638, #200181, #192963B, #192714, #200023, #192896A, #193045, #200214, #200044, #200164, #192185, #200210, #193018, #200202, #2000029, #192996, #192642, #292646, #292932A, #193064, #200201, #2000074, #192815, #192789, #193032, #200137B, #200139, #200134, #192887, #200001, #192831, #200094, #200124, #200123, #200093, #193071, #200174, #192969, #192941, #192950A, #200140, #200238, #200056, #200169, #200033A

Commissioner Zwetzig made a motion to approve items 1-8 as presented, Commissioner Becker seconded the motion. At this time the motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – 2020 BCC 19 – A Resolution Granting the Pauly Minor Subdivision a Two Lot Subdivision

MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2020 BCC 19

A RESOLUTION GRANTING THE PAULY MINOR SUBDIVISION A TWO LOT MINOR SUBDIVISION BEING A REPLAT OF LOT 1, BARRAS MINOR SUBDIVISION, LOCATED IN THE SW¼ OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 60 WEST OF THE 6th P.M. MORGAN COUNTY, COLORADO.

WHEREAS, Ray A. Pauly (the "Owner") owns property located in the SW¼ of Section 13, Township 5 North, Range 60 West of the 6th P.M. Morgan County, Colorado, more specifically described as Lot 1 of the Barras

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Minor Subdivision, recorded at reception number 792944 in the records of the Morgan County Clerk and Recorder (the "Property");

WHEREAS, Kelly Stuhr (the "Applicant"), on behalf of the Owner, has applied for approval of the Pauly Minor Subdivision, a replat of Property, pursuant to the County's Subdivision Regulations (the "Application");

WHEREAS, on April 13, 2020 the Morgan County Planning Commission held a duly noticed public hearing on the application where they received public comment, staff input and recommended approval of the Application;

WHEREAS, on May 12, 2020 the Board of County Commissioners (the "BOCC") held a duly noticed public hearing on the application;

WHEREAS, during the public hearing, the BOCC received testimony and evidence from the Applicants, Morgan County staff and the public; and

WHEREAS, after considering all relevant testimony and evidence, the BOCC desires to approve the Application.

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

1. The BOCC, 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.
 - b. The subdivision is in conformance with the Morgan County Comprehensive Plan and there is access to established public infrastructure.
 - c. The subdivision is compatible with surrounding land uses.
2. The BOCC hereby approves the Pauly Minor Subdivision located in the SW¼ of Section 13, Township 5 North, Range 60 W of the 6th P.M. Morgan County, Colorado.

DATED this 2nd day of June, 2020, *nunc pro tunc* 9th day of May 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

Morgan County Planning and Zoning Director, Pam Cherry presented to the Board for Resolution 2020 BCC 19, a Resolution Granting the Pauly Minor Subdivision a Two Lot Subdivision. Ms. Cherry stated on on April 13, 2020 the Planning Commission reviewed the application for the Pauly Minor Subdivision, being a replat of Lot 1 of the Barras Minor Subdivision and recommended approval to the Board of County Commissioners. On May 12, 2020 the County Commissioners held a public hearing and approved the Pauly Minor Subdivision. Resolution 2020 BCC 19 reflects the outcome of that hearing.

Commissioner Zwetzig inquired about the mylar which was to be prepared regarding this matter and to ensure the approved condition is reflected on the mylar when it is recorded with the resolution. Ms. Cherry stated the mylar had been delivered to the Recording Department prior to the meeting. Chairman Zwetzig asked to move this matter to be discussed after the next business item to allow time to review the prepared mylar.

Upon review of the prepared mylar, Commissioner Zwetzig stated his concerns were satisfied, and made a motion to approve Resolution 2020 BCC 19, a Resolution Granting the Pauly Minor Subdivision a Two Lot Subdivision, being a replat of Lot 1 of the Barras Minor Subdivision with Commissioner Becker seconding the motion. At this time, the motion carried 3-0.

Consideration of Approval – Morgan County Variance Request.

Morgan County Emergency Management Director, Roger Doll presented to the Board a variance request. Chairman Arndt made note this is a variance to the States Safer At Home ruling. Mr. Doll stated the County has been working

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on a variance to the Safer At Home Guidance and provided detailed information regarding the preparation of the variance stating that there are ongoing changes to the rules set forth by the State, and what the County will be requesting will ease the restrictions, and stated the local health department and local hospitals are on board, and indicated there the COVID numbers have decreased over the last couple of weeks and this has allowed the County to proceed with the request of a variance.

He summarized the variance in detail the five variances being requested of what the County will be submitting to the State as well as those provisions it will include. He stated these variances are in a proposed state, and the County has obtained the appropriate approval from the local health department and the hospitals and it will now be reviewed by the Colorado Department of Health Department and the State and indicated the County will now have to wait to see how the State responds.

Commissioner Becker asked Mr. Doll if the hospitals had any questions, with Mr. Doll stating he believes the hospitals were comfortable with the variances being requested given the numbers are showing a downward trend and they had no additional questions.

Further discussion followed as to the importance of applying for these variances given the importance to the local businesses. Commissioner Becker stated it is not the local County Commissioners that have placed restrictions on local businesses, it is the State who has placed restrictions on the County and the County must now file this variance request regarding the restrictions the County feels need to be lifted that will best meet the needs of the County.

Chairman Arndt asked about if the City Parks are addressed, with Mr. Doll stating this variance does not include specifically city parks, stating in general the safer at home does allow citizens to be at the parks, but at a restrictive level. Commissioner Becker noted this does allow the Commissioners to look at larger gatherings and is hopeful with this the County will be able to gain that approval and be able to look at those requests and make the decision as it sees fit, not how the Governor or the CDPHE sees fit.

Commissioner Zwetzig asked if East Morgan County Library Director, Laura McConnell had any questions, with Ms. McConnell stating she had no questions and thanked the Board for their assistance in this matter.

Commissioner Zwetzig further asked the question about the possibility of allowance for outdoor space for dining, and Mr. Doll stated this is not something that has been directly questioned, only the variance for allowing a percentage of occupancy. The discussion was held as to the allowance of extending the premises to outdoor seating and how the rules of serving of alcohol would be handled. Clerk Bailey indicated those licensees have been sent information as to what the licensing rules are as set forth by the State of Colorado Liquor Enforcement Agency. Further discussion followed regarding several facets of the rules being made as to local control being imperative on these types of topics.

Commissioner Zwetzig stated he has been asked how long it will take for this variance to be reviewed, stating citizens should not be think this will occur immediately, it could be days, weeks or months, and is hopeful it is acted upon as quickly as possible, but wanted to warn everyone, the Commissioners are not aware of how long it can take. Commissioner Becker stated once the County signs off, with Mr. Doll verifying the hospitals and the health department have signed off, he is only waiting for the County to sign off and it will then be sent to the Colorado Department of Health Department for their review and the time frame of approval is unknown. Commissioner Zwetzig stated everyone should feel comfortable given the hospitals have signed off and the confidence this has provided to the County in preparing these variance requests given the numbers are decreasing. Chairman Arndt made note of #7 in the variance request document and read aloud into the minutes and further stated that he believes businesses are doing a good job in following the social distancing requirements. Mr. Doll stated that if there should be a spike in the number of cases that could require the County to go back to more restrictive methods to protect everyone.

Commissioner Zwetzig stated it is important to note stating his mother is in the nursing home and how the Governor has left it up to the nursing homes as to how they handle the matter if they have two or less cases, and the isolation to these individuals in the nursing home is a detrimental as the illness itself. The nursing homes would still have the allowance to go back to the Safer At Home restrictions; they do not have to follow the County's variances.

Commissioner Zwetzig asked Ms. Laura Teague, prior Commissioner and current member of the local Board of Health, to speak, who stated she believes the numbers does reveal that the County is ready to proceed with the variance request and appreciates the Board considering the variances at this time. Commissioner Zwetzig asked what the discussions regarding schools are at this time, with Commissioner Becker stating there have not been many discussions regarding schools and the local Health Department Board has a meeting tomorrow regarding county fairs, and discussions regarding schools are being handled at the state level.

Chairman Arndt asked if there were any public comments against the County adopting this variance with it being noted there were no chats or requests to speak in opposition.

Commissioner Becker made a motion to approve the variance request to the Safer at Home order as executed by Governor Polis, with Commissioner Zwetzig seconding the motion. At this time, the motion carried 3-0.

At this time, the Board moved back to the original business item, and proceeded.

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UNFINISHED BUSINESS

There was no unfinished business.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Sheriff Dave Martin stated business is back to normal, but they still are not allowing visitations at the jail out of precaution. He further spoke about Senate Bill 2020-217, and provided details about the proposed bill. As questioned by Commissioner Zwetzig, Sheriff Martin confirmed they are still allowing two telephone calls for each inmate given the in person visitations are not being allowed, feeling it has worked out well.

Sheriff Martin was asked to provide details regarding the requirements of SB20-217 whereas he provided his comments and feelings about the bill. Commissioner Zwetzig asked about the personal liability to a law enforcement officer clause, with Sheriff Martin providing an explanation of the clause and spoke of the current guidelines and requirements indicating his concerns about the proposed bill. Commissioner Zwetzig made comment regarding the fiscal impact the bill could face if this bill should pass and spoke in detail of those concerns, stating that citizens need to be aware of the fiscal impact of this bill if it should pass and stated CCI did vote to oppose unless amended. Sheriff Martin stated he believes the Sheriff's Association is in support of the amendment that has been drafted. Discussion ensued regarding how Morgan County is different from larger law enforcement agencies and the training that is provided as well as the background checks that are conducted and the high standards expected of his officers. Commissioner Becker spoke about the hope that the pendulum is not swung completely in the other direction and feels it should be a local control and allow small counties, and small departments to be able to operate in the manner they feel best for its citizens. He believes this is not being handled logically by passing sweeping legislation.

Morgan County Clerk and Recorder Susan Bailey provided an update regarding the 2020 June Primary Election as to the location of the vote center and ballot delivery and return.

Chairman Arndt provided an update as to the Morgan County Fair stating it is hopeful that the fair will continue as close to normal as possible. He stated they have set the deadline for the end of June to review how the county fair will be held noting the County Fair Board is very conscience of the situation and want to ensure the safety of all, and are very committed to the 4H and FFA community so they are able to show their work. Discussions are being held regarding remote bidding for the sale at the fair, with Chairman Arndt providing details of how the fair sale may be held naming Miller Auctioneers and their assistance with the fair board and members as to how to handle the sale as this is how he has been handling their auctions throughout this challenging time. Sheriff Martin provided an update regarding shooting sports, stating they are still having the county competition for the 4H shooting sports programs, but the State competition has been canceled. Chairman Arndt commented about the Morgan County Conservation Program and their willingness to allow them to use their facilities and range for kids to be able to participate in the shooting sports with Sheriff Martin commenting on others that have allowed their ranges as well.

Morgan County Economic Director Kristen Clifford-Basil provided an update as well.

Commissioner Zwetzig asked to speak briefly about the Gallagher Amendment proposal, with Commissioner Becker stating he has not seen the latest of what is being proposed as to the amendments to the proposed bill. He stated his concern about what is going on, first of all there are easier ways to achieve the same results to give control to the people of the state of Colorado and he sees that they want to adjust tax rates, explaining this stating this is of concern providing reasons. He stated he realizes this needs to be fixed, but and provided his thoughts as to the correct way to handle the matter. Further discussion followed as to what the proposed bill entails and the concerns there are.

The property tax exemption for seniors was then discussed with Commissioner Zwetzig explaining how this exemption process has worked, and the current budget issues whereas the State wants to suspend the program at this time, and how this would affect seniors and encouraged citizens to watch how this should evolve. Concerns were expressed by the budget deficit of 3.3 billion dollars and how that is going to affect the State of Colorado and various services.

Commissioner Arndt presented the road report ending June 5, 2020 reading the report into the minutes.

PUBLIC HEARING

Chairman Arndt called the hearing to order at 10:11 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Mark Arndt, Commissioner James Zwetzig, Commissioner Jon Becker, and Morgan County Planning and Zoning Planning Director/Floodplain Administrator Pam Cherry.

1. Robert & Wendy Danielson: Applicants- Application Withdrawn

Ms. Cherry explained this application has been withdrawn by the applicants and it will not be considered at this time.

Chairman Arndt asked if there was any further business to bring before the Board, and upon hearing none, the meeting was adjourned at 10:12 a.m.

Respectfully Submitted,
Susan L. Bailey
Clerk to the Board
(Minutes ratified June 16, 2020)

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**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
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