

AGENDA
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
ASSEMBLY ROOM, ADMINISTRATION BUILDING
231 ENSIGN STREET, FORT MORGAN, CO 80701
TUESDAY, MARCH 09, 2021

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

9:00 A.M.

A. WELCOME – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commissioner Arndt
Commissioner Becker
Commissioner Westhoff

B. CITIZEN'S COMMENT PERIOD

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3 minute time limit per person, unless otherwise noted by the Chairman. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on future posted agenda if action is required.

C. ADOPTION OF THE AGENDA

D. CONSENT AGENDA

All matters under the consent agenda are considered to be routine by the Board of County Commissioners and will be enacted with a single vote. There will be no separate discussion of

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these items. If discussion is deemed necessary, any Board member may ask that the item be removed from the Consent Agenda and considered separately:

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

E. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

1. Morgan County Ambulance Director Appointment of Travis Freeman (Human Resources Director, Tracy Amen)
2. Consideration of Approval – 2021 BCC 12 A Resolution Recognizing the Many Contributions of Morgan County Livestock Producers and Supporting the Local Agricultural Industry (Jon Becker-Commissioner)
3. 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 (Known as The Regional Bookmobile) (Jon Becker – Commissioner)

F. UNFINISHED BUSINESS

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

G. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

1. Commissioners Calendar for week of March 5, 2021 through March 16, 2021

H. ADJOURNMENT

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

RESOLUTION NO. 2021 BCC 12

**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 _____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Mark A. Arndt, Chairman

Jon J. Becker, Commissioner

Gordon H. Westhoff, Commissioner

ATTEST:
(SEAL)

Susan Bailey, Clerk to the Board

**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;

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 _____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Mark A. Arndt, Chairman

Jon J. Becker, Commissioner

Gordon H. Westhoff, Commissioner

ATTEST:
(SEAL)

Susan Bailey, Clerk to the Board

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

RESOLUTION NO. 2020 BCC 41

**A RESOLUTION AMENDING CERTAIN SECTION OF THE MORGAN COUNTY
ZONING REGULATIONS CONCERNING SETBACKS**

WHEREAS, the Board of County Commissioners desires to create and clarify how setbacks are measured and what encroachments may be made into setbacks;

WHEREAS, on November 9, 2020, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended approval;

WHEREAS, on December 8, 2020, the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

WHEREAS, the Board of County Commissioners has complied with all relevant provisions for amending the Morgan County Subdivision Regulations; 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 1-420 of the Morgan County Zoning Regulations is hereby amended to read as follows:

1-420 Encroachment: A placement of a structure, building, part of a building, sign, or fence upon the land or easement of another, or into required setbacks.

Section 2. Section 1-600 of the Morgan County Zoning Regulations is hereby amended to read as follows:

1-600 Lot, Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front and rear lot lines; or at the rear line of the required front setback on irregularly shaped lots.

Section 3. Section 1-785 of the Morgan County Zoning Regulations is hereby amended to read as follows:

1-785 Setback: The minimum horizontal distance required, in any given zoning district, to be maintained free of man-made structures between a property line and the nearest exterior point of a building or structure or between two uses or structures.

Section 4. Sections 1-925, 2-110 and 2-115 of the Morgan County Zoning Regulations are hereby deleted.

Section 5. Sections 1-930, 1-935 and 1-940 of the Morgan County Zoning Regulations are hereby amended to read as follows:

1-930 Setback, Front: The distance extending across the full width of the lot between the front lot line and the nearest exterior point of a building or structure.

1-935 Setback, Rear: The distance extending across the full width of the lot between the rear lot line and the nearest exterior point of a building or structure.

1-940 Setback, Side: The distance extending from the front to the rear yard between the side lot and the nearest exterior point of a building or structure.

Section 6. Section 3-570(B)(2) of the Morgan County Zoning Regulations is hereby amended to read as follows:

No specific setback or lot size requirements shall be imposed, other than those provided herein, in the PD provided that the spirit and intent of this section are complied with in the Final PD Plan. The Commission may determine that certain setbacks and spacing be required within all or a portion of a PD for safety reasons.

Section 7. Section 3-630 of the Morgan County Zoning Regulations is hereby repealed and reenacted as follows:

3-630 Minimum Setbacks

- (A) Required Setbacks. No building, structure, or lot shall be developed, used, or occupied unless the minimum setback requirements in the district bulk requirements and other requirements under these Regulations are met. Unless otherwise expressly provided in these Regulations, setbacks shall be measured from the property line. For setbacks where the abutting road is an easement, the setback shall be measured from the centerline of the easement with the additional distances set forth in subsection C of this Section added to the required setback in Table 1, Appendix B. For section line road easements which have not been constructed by the County and have not been vacated pursuant to C.R.S. § 43-2-303, setbacks shall be measured from the section line which is the centerline of the easement, adding a distance of thirty (30) feet to the required setback in Table 1, Appendix B.
- (B) Setbacks from state and federal highways are 75 feet from the right-of-way centerline.
- (C) Setbacks from highways, county roads and all other streets and roads:

- (1) Setbacks from Morgan County roads, which are identified and classified on the Morgan County Road Classification Map, shall be measured from the right-of-way centerline, as follows:

Road Classification	Measurement from right-of-way centerline
Arterial	50 feet
Major collector	30 feet
Minor collector	30 feet
Local, numbered county roads	30 feet

(D) Additional Setback Requirements.

For streams, creeks, and rivers, the minimum required setback is 50 feet from the bank high-water line. This section shall only apply to streams, creeks and rivers identified on the U.S.G.S. quadrangle map. For irrigation ditches, the minimum required setback is 75 feet from the centerline of the ditch. The setbacks in this subsection shall govern over any other setbacks established in these Regulations.

(E) Allowed Projections into Setbacks.

- (1) Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features may extend into a required setback not more than three feet (3').
- (2) Open, unenclosed, uncovered porches at ground level may not extend into a required setback more than four feet (4').
- (3) Open, unenclosed, uncovered patios, decks, and porches greater than two feet (2') above ground level shall not extend into a required setback more than three feet (3').
- (4) No part of a setback required for a building shall be included as part of a setback for another building.

(F) Exemptions to Setback Requirements

- (1) Fences, screening, and buffering.

Section 8. Section 3-645 of the Morgan County Zoning Regulations is hereby repealed and reenacted as follows:

3-645 Encroachment

Except as provided by these Regulations or by agreement, encroachments are not permitted.

Section 9. The amendments to Appendix B, Table 1 of the Morgan County Zoning Regulations should be made:

- a. The term “structure setback” should be revised to read “Primary Structure Minimum Setback.”
- b. The term “front” under setbacks should be revised to read “Front (street)”.
- c. Appendix B, Table 1, should be amended by a new row titled “Accessory Structure Minimum Setback” with a rear setback designated as being 10 feet in all zones where the setback is larger. Front and side setbacks for accessory structures shall be the same as the setback for primary structures.
- d. A new footnote shall be added to “Front (street)” to read as follows: Front setbacks apply to all street frontages, including corner lots or double frontage lots.
- e. A new footnote shall be added to read as follows: “Setbacks are also governed by the regulations in Sec. 3-630 of these Regulations.”

APPROVED this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Mark A. Arndt, Chairman

James P. Zwetzig, Commissioner

Jon J. Becker, Commissioner

ATTEST:
(SEAL)

Susan Bailey, Clerk to the Board

COMMISSIONERS CALENDAR

March 5, 2021 through March 16, 2021

March 5, 2021		No Meetings Scheduled
March 8, 2021	10:30 a.m. 12:00 p.m. 1:00 p.m.	Office Meeting Human Resources Department Meeting Public Works Department Meeting
March 9, 2021	7:00 a.m. 9:00 a.m. 1:00 p.m.	Wiggins Business Alliance Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) Comm Board/911 Authority Meeting - Becker
March 10, 2021	12:00 p.m.	Brush Chamber of Commerce
March 11, 2021	9:00 a.m.	Board of County Commissioners Special Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.)
March 12, 2021		
March 15, 2021	10:30 a.m. 11:30 a.m. 12:30 p.m. 1:30 p.m.	Office Meeting Human Resources Department Meeting Building Maintenance Department Meeting Finance Department Meeting
March 16, 2021	9:00 a.m. 9:05 a.m. 10:00 a.m. 12:00 p.m.	DHS Financial Meeting Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) Commissioners with City Managers & MCEDC Meeting Tourism Panel Board Meeting

Unless otherwise noted, all meetings with department heads and other non-BOCC elected officials listed above may include an update on the status of the department, a general discussion of projects, any matters or concerns that the County needs to address, and activities and operations of the department.

Department meetings may be by conference call or virtual meeting upon request.

CALENDAR SUBJECT TO CHANGE DUE TO AGREEABLE CANCELLATIONS AND/OR WALK IN BUSINESS

Posted 03/04/2021 @ 3:00 P.M. by Karla Powell, Administrative Services Manager

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