

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, FEBRUARY 5, 2020

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, February 5, 2020, at the hour of 9:00 a.m.

ROLL CALL: The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:

Commissioner Mike Freeman, Chair
Commissioner Steve Moreno, Chair Pro-Tem
Commissioner Scott K. James
Commissioner Barbara Kirkmeyer
Vacant Commissioner Position

Also present:

County Attorney, Bruce Barker
Clerk to the Board, Esther Gesick
Controller, Barbara Connolly

MINUTES: Commissioner James moved to approve the minutes of the Board of County Commissioners meeting of February 3, 2020, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

AMENDMENTS TO AGENDA: There were no amendments to the agenda.

CONSENT AGENDA: Commissioner Kirkmeyer moved to approve the Consent Agenda, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

PUBLIC INPUT: No public input was given.

WARRANTS:

1) GENERAL WARRANTS – FEBRUARY 4, 2020: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

BIDS:

1) PRESENT BID #B2000038, JUSTICE SERVICES REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Purchasing Department, stated eight (8) bids were received and staff will review and make a recommendation on February 19, 2020.

NEW BUSINESS:

1) CONSIDER LAW ENFORCEMENT SERVICE AGREEMENT AND AUTHORIZE CHAIR TO SIGN – TOWN OF KERSEY: Alan Caldwell, Sheriff's Office, shared the Town of Kersey has an unexpected shortage of manpower and requests assistance. He continued stating the Sheriff's Office will provide emergency services without impeding on regular services, as they are not assigned to said town; thus, the Colorado State Patrol (CSP) will respond to traffic accidents. Lastly, Captain Caldwell explained the term is set to expire on August 1, 2020, and the agreed hourly contract rate is \$67.99. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

2) CONSIDER TEMPORARY CLOSURE OF CR 44 BETWEEN CRS 33 AND 35: Amy Mutchie, Department of Public Works, presented the request from Mountain Constructors, Inc., for a temporary closure of County Road (CR) 44 from February 17, 2020, to June 2, 2020, for the replacement of Weld County bridge 44/33A. She stated the detour route is paved and message boards will provide prior warning. Commissioner James moved to approve said temporary closure. Commissioner Moreno seconded the motion, and it carried unanimously.

PLANNING:

1) CONSIDER RECORDED EXEMPTION, RECX19-0154 – PATRICIA DEPLAZES: Angela Snyder, Department of Planning Services, displayed a PowerPoint presentation depicting the location of the site, stated the parcel is currently used as a dry land pasture, and reviewed the criteria to apply for a four-lot Recorded Exemption (RE). Chair Freeman also called up RECX19-0155, allowing staff to present the two items concurrently. She cited the proposed lot sizes, which are eligible for well water and septic systems, and reviewed the 11 Exemption Standards noting issues of concern regarding access, sound land use practices, and orderly and integrated development to promote health and safety. Patricia Deplazes, applicant, shared she has done several recorded exemptions and is willing to create an interior road for ease of access. In response to Commissioners Kirkmeyer, Ms. Deplazes confirmed public water and sewer are not accessible. Commissioner James expressed concern regarding orderly development for the county and the applicant expressed her intent to provide rural housing. She stated her son is a 4th generation farmer who plans to transition the farm into a regenerative agricultural operation, including livestock. Commissioner Kirkmeyer stated her opposition to the creation of a rural, linear subdivision by utilizing four (4) individual accesses onto the County roadway system and impacting emergency services, which is inconsistent with the intent of the RE process to provide efficient and orderly development. Commissioner Kirkmeyer moved to deny Recorded Exemption, RECX19-0154, based on the findings as previously stated. The motion was seconded by Commissioner Moreno for the purpose of discussion. Commissioner James clarified the RE process is not the appropriate method because the applicant is proposing a subdivision development; therefore, they should comply with the subdivision regulations. Chair Freeman demonstrated the subdivision process is not feasible due to the lack of public water and sewer; he argued the RE process is appropriate because the proposed lots are clustered and eligible for wells and septic systems, and the applicant is willing to work with staff to consolidate the accesses. Following discussion, Chair Freeman requested a roll call vote and the motion to deny RECX19-0154 carried three (3) to one (1), with Chair Freeman opposed.

2) CONSIDER RECORDED EXEMPTION, RECX19-0155 – PATRICIA DEPLAZES: Based on the testimony and discussion in the preceding item, Commissioner Kirkmeyer moved to deny said Recorded Exemption, RECX19-0155. The motion was seconded by Commissioner James. Upon a call for a roll call vote, the motion carried, with Chair Freeman opposed for the reasons previously stated.

3) CONSIDER RECORDED EXEMPTION, RECX19-0157 – KELLY BERNDT: Ms. Snyder provided a brief description of the location of the site, reviewed the surrounding land uses, and noted the property is approximately 1.5 miles from public water and sewer provided by the North Weld County Water District (NWCWD) and the Town of Nunn. She stated the existing layout does not meet the access criteria; however, the applicant is willing to change the design to utilize the previous access to Lot D from County Road (CR) 33. Lastly, she stated the proposal evades the Subdivision regulations and is not consistent with efficient and orderly development. Ms. Deplazes stated she is the authorized representative for her son, Kelly Berndt, and explained their intent to realign the access and to cluster and divide the lots to help support ongoing farming operations. Ms. Deplazes noted there is currently a vacancy on the Board of Commissioners and requested a continuance until the matter could be heard by a full quorum of the Board. In response to Commissioner James, Ms. Deplazes explained the subdivision process is cost prohibitive, they have been approved for recorded exemption lots in the past, and there is a demand for rural residential lots. Commissioner James expressed his hesitation to allow a subdivision development through the RE process and Commissioner Moreno agreed. Commissioner Kirkmeyer expressed the Board’s responsibility to maintain well-planned subdivisions and promote efficient and orderly development. She stated the proposal is an abuse of the Weld County Code to develop a subdivision in the A (Agricultural) Zone, and it is not compatible with other uses in the area. For the reasons previously cited, Commissioner Kirkmeyer moved to deny Recorded Exemption, RECX19-0157. The motion was seconded by Commissioner Moreno, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. No Ordinances were approved.

Let the minutes reflect that the above and foregoing actions were attested to and respectfully submitted by the Clerk to the Board.

There being no further business, this meeting was adjourned at 9:45 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Mike Freeman, Chair

Steve Moreno, Pro-Tem

BY: _____
Deputy Clerk to the Board

VACANT

Scott K. James

Barbara Kirkmeyer