

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, JULY 7, 2021

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, July 7, 2021, 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 Steve Moreno, Chair
Commissioner Scott K. James, Pro-Tem
Commissioner Perry L. Buck
Commissioner Mike Freeman
Commissioner Lori Saine

Also present:

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

MINUTES: Commissioner Saine moved to approve the Minutes of the Board of County Commissioners meeting of June 30, 2021, as printed. Commissioner James seconded the motion, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner James moved to approve the Certification of Hearings conducted on June 30, 2021, as follows: 1) USR21-0007 – Charles and Debra Bird, c/o Namaste Solar Electric, Inc. Commissioner Saine seconded the motion, which carried unanimously.

PUBLIC INPUT: No public input was given.

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

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

WARRANTS:

1) GENERAL WARRANTS – JULY 2, AND 6, 2021: Commissioner James moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

2) GREELEY-WELD COUNTY AIRPORT AUTHORITY WARRANTS – JULY 6, 2021: Commissioner Buck moved to approve the Greeley-Weld County Airport Authority Warrants, as printed. Commissioner James seconded the motion, and upon a roll call vote, the motion passed four (4) to one (1), with Commissioner Saine opposed.

BIDS:

1) APPROVE BID #B2100100, 2021 SLURRY SEAL – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Purchasing Department, stated the sole bid received exceeded the 2021 budgeted amount; therefore, the Department of Public Works is requesting this item be continued to allow staff additional time to determine which projects to remove from the scope of work. In response to Chair Moreno, Josh Holbrook, Department of Public Works, stated the budgeted amount was \$1,000,000.00; however, the bid was \$66,000.00 over budget. Commissioner James moved to continue said bid to July 12, 2021. Commissioner Freeman seconded the motion, and it carried unanimously.

2) APPROVE BID #B2100103, WASH BAY AND WELDING BUILDING PAVING – FACILITIES DEPARTMENT: Mr. Turf stated staff recommends selecting the lowest bidder who met specifications, All Pro Pavement, for a total amount of \$346,450.00. Commissioner Freeman moved to approve said bid. Commissioner Buck seconded the motion, and it carried unanimously.

3) PRESENT BID #B2100105, PUBLIC WORKS STORAGE BUILDING – DEPARTMENT OF FACILITIES: Mr. Turf presented the nine (9) bids received and stated staff will make a recommendation on July 21, 2021.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #4901 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN - LYNNELLE AND SHANNON LARSON: Tami Grant, Deputy Director of the Department of Human Services, stated this is a new foster care provider in Dacono, Colorado. Commissioner Buck moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

2) CONSIDER CONTRACT ID #4920 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN - STEPHANIE SANCHEZ: Ms. Grant stated this is a new kinship foster care home located in Greeley, Colorado. Commissioner James moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER APPLICATION FOR 2022 VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) GRANT FOR VICTIM WITNESS ASSISTANCE UNIT AND AUTHORIZE CHAIR TO SIGN: JoAnn Holden, 19th Judicial District Attorney's Office, explained this is the annual VALE Grant application, for the amount of \$118,000.00, with no County match. She confirmed this grant funding provides salaries and benefits for the Victim Witness Unit staff. Commissioner Buck expressed her appreciation for the work being done, and moved to approve said application and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

4) CONSIDER APPLICATION FOR 2022 VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) GRANT FOR LAW ENFORCEMENT VICTIM SERVICES UNIT AND AUTHORIZE CHAIR TO SIGN: Donnie Patch, Undersheriff, explained this grant will partially fund the three (3) advocate staff serving in the Victim Services Unit. He noted he is still gathering information on the volunteer hours and training compliance, which he will complete prior to submitting the application for signature. The motion to approve said application and authorize the Chair to sign was made by Commissioner James, and seconded by Commissioner Buck. In response to Commissioner Freeman, Undersheriff Patch confirmed the amount of the grant is \$71,638.00. There being no further discussion, the motion carried unanimously.

5) CONSIDER TERMINATION AGREEMENT AND AUTHORIZE CHAIR TO SIGN – CERNER HEALTH CONNECTIONS, INC.: Patti Russell, Department of Human Resources, stated the agreement is a request for Cerner Health to transfer all of the employee medical health records to the new provider, Everside Health, for the amount of \$5,750.00. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

6) CONSIDER PROFESSIONAL SERVICES AGREEMENT FOR WELD COUNTY FAIR AND AUTHORIZE CHAIR TO SIGN – NORTHERN COLORADO DRAFT HORSE ASSOCIATION: Jenette Masarie, Weld County CSU Extension Service, stated the draft horse show will be held on July 24, 2021, during the Fair. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

7) CONSIDER CONTRACT ID #4959 LICENSE AGREEMENT FOR CONSTRUCTION OF CRS 80 AND 37 INTERSECTION AND BRIDGE REPLACEMENT PROJECT AND AUTHORIZE CHAIR TO SIGN – LARIMER AND WELD IRRIGATION COMPANY: Clay Kimmi, Department of Public Works, stated this agreement provides for the County Road (CR) 80 crossing of the Eaton Ditch. He explained the existing bridge will be rebuilt, which requires a new crossing fee to the ditch company in the amount of \$5,000.00. In response to Commissioner Freeman, Mr. Kimmi confirmed the new bridge will be 12 feet wider. Commissioner Freeman moved to approve said license agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

8) FINAL READING OF CODE ORDINANCE #2021-11, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 8 PUBLIC WORKS, OF THE WELD COUNTY CODE (VACATION OF ROAD RIGHT-OF-WAY): Commissioner Freeman moved to read Code Ordinance #2021-11 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Dawn Anderson, Department of Public Works, stated the proposed changes reflect current procedures, requirements and submittal needs and are being processed in conjunction with the changes in Ordinance #2021-08. She relayed there were no changes to the First or Second Readings. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2021-11 on Final Reading. Commissioner Buck seconded the motion, and it carried unanimously.

PLANNING:

1) CONSIDER IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT ACCORDING TO POLICY REGARDING COLLATERAL FOR IMPROVEMENTS (PHASE TWO – PANORAMA WIND), AUTHORIZE CHAIR TO SIGN, AND ACCEPT OFF-SITE COLLATERAL FOR USE BY SPECIAL REVIEW PERMIT, USR19-0014 – LEEWARD RENEWABLE ENERGY DEVELOPMENT, LLC: Jazmyn Trujillo-Martinez, Department of Public Works, stated the project collateral, in the amount of \$2,000,000.00, is for Phase 2 (Panorama Wind) only, and noted Phase 1 (Mountain Breeze) has been completed and is currently in the warranty period. Commissioner James moved to approve said agreement, authorize the Chair to sign, and accept said collateral. Seconded by Commissioner Buck, the motion carried unanimously.

2) CONSIDER APPLICATION FOR SMALL BUSINESS INCENTIVE PROGRAM AND AUTHORIZE RELEASE OF ECONOMIC DEVELOPMENT TRUST FUNDS (TIER II) – DVM BURROS, LLC: Tom Parko, Director of the Department of Planning Services, stated this application is for the business owned by Dr. Natalie Malherbe, which was approved through the zoning permit process last year. He stated the application meets the criteria and recommended granting funds, in the amount of \$11,928.96, to reimburse the applicant for development fees previously paid. Commissioner Buck moved to approve said application and release of funds. Commissioner James seconded the motion, and it carried unanimously.

3) CONSIDER VACATION OF USE BY SPECIAL REVIEW PERMIT, USR12-0065 - BRUCE SANDAU AND BARTELS FAMILY, LLC, C/O A&W WATER SERVICE, INC.: Diana Aungst, Department of Planning Services, stated staff received an email from a surrounding property owner, dated April 7, 2021, indicating the USR was never built or operated since 2013. Subsequently, staff sent a certified letter to the applicant requesting vacation of the USR, per Code criteria Section 23-2-290.B; however, since the proposed vacation was not based on a request from the landowner, a noticed hearing was scheduled to allow the landowner the opportunity to explain their circumstances and intent concerning the USR. She also clarified, if the Board of County Commissioners were to determine good cause is shown to not vacate the USR, then staff requests the opportunity to meet with the applicant within 120 days, to determine if an amendment is needed for the USR. Ms. Aungst displayed a PowerPoint presentation displaying the vicinity map, aerial site layout, and photographs of the site. Bruce Sandau, property owner, stated he has owned the property since 1973, and described the history of the issues with the USR and the plans for a new owner of the property. In response to Commissioner James, Mr. Sandau confirmed the new owners' intention for a permitted use, which may require an amendment at a future date. Responding to Commissioner Freeman, Mr. Sandau further stated the new potential owners intend to meet with Planning staff through the pre-application process within the next six (6) months and they understand the need for an amendment. Craig Rasmussen, potential buyer, stated he is part of a three-member partnership and reiterated their preference to retain the USR, and go through necessary development processes with staff to make any necessary amendments. He further stated the proposed project will create jobs, increase values for the area, and provide support services to the oil and gas industry. In response to Commissioner James, Mr. Barker relayed the Board's options are to dismiss the request to vacate, continue the matter to ensure the necessary steps are completed, or vacate the USR. Commissioner James moved to continue said request for vacation of USR12-0065 to July 6, 2022, at 9:00 a.m. Commissioner Saine seconded the motion, and it carried unanimously.

4) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – GRACIELA QUINONEZ AND VERONICA GUTIERREZ: Gabe Kalousek, Assistant County Attorney, stated this particular case has a Building Code Violation and a Zoning Code Violation. He relayed the case history of the Building violation, filed in County Court on November 30, 2017, for multiple structures which did not have permits or meet setback requirements. He stated the Court imposed penalties beginning on May 17, 2018, for \$10.00 per day, and he reviewed the previous certification dates and violations. Mr. Kalousek requested certification of penalties for the period of October 1, 2020, through May 31, 2021, in the amount of \$4,860.00 for the combined cases. Tonya Johnson, Building Code Compliance, stated the property violations began in 2016 with multiple agricultural structures, which have since been decreased to two (2), but remain unpermitted, and she displayed aerial maps and photographs of the property. Hannah Dutrow, Zoning Compliance, relayed there has been some recent improvement; however, she displayed photographs documenting there are still derelict vehicles, a derelict commercial vehicle, and excavation equipment being stored on the site. The property owners were not present. In response to Commissioner James, staff confirmed they have not been contacted by the property owners, who continue to fail to appear for their court proceedings. In response to Commissioner Buck, Mr. Kalousek relayed personal service was performed for the Notice of Hearings in addition to certified mailings for the Certification proceedings. Commissioner James moved to approve said certification. Commissioner Freeman seconded the motion, and it carried unanimously.

5) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHARLES BENNETT AND MANUEL GALLEGOS: Mr. Kalousek provided a brief overview of the case history of staff processes, court rulings, and actions taken by the property owner. He requested certification of penalties from October 1, 2020, through May 31, 2021, in the amount of \$6,070.00. Bethany Pascoe, Zoning Compliance Officer, provided a brief overview of the site history since the last certification of penalties, including monthly letters, and she displayed photographs taken June 17, 2021, showing the property remains in violation. The property

owners were not present. In response to Chair Moreno, Mr. Barker stated the process is designed to get the attention of the property owners, and concurred the penalties continue to accrue. Commissioner Freeman moved to approve said certification. Commissioner James seconded the motion, and it carried unanimously.

6) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHRISTINA ELAM AND DONALD HARRIS: Mr. Kalousek provided a brief overview of the case history of staff processes, court rulings and actions taken by the property owner, and he requested certification of penalties from October 1, 2020, through May 31, 2021, for a total of \$4,860.00. Ms. Pascoe reviewed the case history and actions taken since the last certification, and displayed photographs of the remaining violations, including outdoor storage which is prohibited since the property is located in the floodplain. The property owners were not present. Commissioner Saine moved to approve said certification. Commissioner James seconded the motion, and it carried unanimously.

7) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – MELIHA SABANOVIC AND MAHIC SABAHUDIN: Mr. Kalousek provided a brief overview of the case history of staff processes, court rulings, and actions taken by the property owners, and he requested certification of penalties from October 1, 2020, through May 31, 2021, in the amount of \$6,070.00. Ms. Pascoe confirmed monthly reminders were sent to the property owners and a visual inspection was conducted on July 1, 2021. She stated staff continues to receive complaints from neighboring Aristocrat residents, and she displayed photographs of the site. In response to Commissioner Buck, Ms. Pascoe confirmed the property owner does have goats on the property. Commissioner James moved to approve said certification. Commissioner Freeman seconded the motion, and it carried unanimously.

8) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – BRUCE BROTEMARKLE: Mr. Kalousek provided a brief overview of the case history of staff processes, court rulings, and actions taken by the property owners, and he requested certification of penalties from October 1, 2020, through May 31, 2021, in the amount of \$6,650.00. Ms. Pascoe referenced the case history, confirmed monthly reminders were sent, and noted the violations were resolved in 2018; however, new violations have been initiated based on complaints confirmed in 2019, and she displayed photographs and reviewed items of non-compliance. Commissioner Buck moved to approve said certification. Commissioner James seconded the motion, and it carried unanimously.

9) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JOEL COX AND LAVONNA HARPER: Mr. Kalousek provided a brief overview of the case history of staff processes, court rulings, and actions taken by the property owners, and he requested certification of penalties from October 9, 2020, through May 31, 2021, in the amount of \$5,100.00. Ms. Pascoe described the location of the property and displayed photographs of the items of non-compliance. She explained the mobile home was permitted, in 2012, as a Temporary Use During Construction; however, the property owner(s) must reapply each year for temporary permits. She confirmed a site inspection was conducted on July 1, 2021, and staff confirmed the mobile home has been removed but due to the amount of staff time invested to-date, it was decided to request the special assessments. Joel Cox and Lavonna Harper, property owners, were present and thanked staff for their cooperation and assistance. Mr. Cox stated the construction did not start when originally planned, pending a previous home sale, which was further delayed by his personal medical issues and lack of hired workers during the COVID-19 pandemic. He expressed how the extended process has been a financial burden and requested a reduction of the penalty assessment due to pending medical costs. He also described their efforts to sell and move the mobile home, and confirmed the mobile home is no

longer on the property. In response to Commissioner James, Ms. Pascoe confirmed Mr. Cox has been cooperative and the site is substantially in compliance. Commissioner Freeman mentioned the purpose of the hearing is to confirm compliance and stated he is in support of dismissing the penalty assessment. Mr. Barker advised the Board of the option to not certify the violation as a special assessment and direct staff to Motion the court to dismiss the penalties. Commissioner Saine moved to not certify the penalties and direct staff to dispense with penalties through court as described by Mr. Barker. Commissioner James seconded the motion, and it carried unanimously.

10) FINAL READING OF CODE ORDINANCE #2021-08, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 24 SUBDIVISIONS, OF THE WELD COUNTY CODE (RE VACATION AND LOT LINE ADJUSTMENT): Commissioner Freeman moved to read Code Ordinance #2021-08 by title only. The motion was seconded by Commissioner Saine, and it carried unanimously. Mr. Barker read the title for the record. Mr. Parko was present to answer any questions. Angela Snyder, Department of Planning Services, reviewed the intent of the various modifications which address the Rural Land Division standard to allow lot line adjustments to remove a full 35-acre, or larger, lot from a Recorded Exemption plat, or allow for the full vacation of an exemption lot. She confirmed there have been no changes since the Second Reading. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve Code Ordinance #2021-08 on Final Reading. Commissioner Saine seconded the motion, and it carried unanimously.

11) FINAL READING OF CODE ORDINANCE #2021-09, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING, OF THE WELD COUNTY CODE (MISCELLANEOUS ZONING): Commissioner Buck moved to read Code Ordinance #2021-09 by title only. The motion was seconded by Commissioner Freeman, and it carried unanimously. Mr. Barker read the title for the record. Ms. Snyder stated since the Second Reading staff received a request to modify the language specific to the four percent (4%) lot coverage requirement. She noted there are other unrelated items such as loosening restrictions on auxiliary quarters, fixing some definitions and making the transition from a Use by Special Review permit to a Site Plan Review easier. Mr. Parko recommended removal of this particular change and approving the remainder of the ordinance content to afford more transparency and take the time necessary to determine the appropriate percentage and go back through the three-reading process. No public testimony was offered concerning this matter. In response to Commissioner James, Ms. Snyder indicated the references to be removed are scattered throughout the text; however, Mr. Parko confirmed staff is currently in the process of preparing the new edits, so there will not be a significant delay. Esther Gesick, Clerk to the Board, requested the edits be submitted in writing to document the changes as directed by the Board for inclusion in the upcoming publication of Final Reading. Commissioner Saine moved to approve Code Ordinance #2021-09 on Final Reading, with amendments, and instructed staff to provide the Clerk to the Board with written clarification to be included in the Final Reading publication. Commissioner James seconded the motion, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2021-11, #2021-08 and #2021-09 were each approved on Final Reading.

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 10:03 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

Scott K. James, Pro-Tem

Perry L. Buck

Mike Freeman

Lori Saine