

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, APRIL 18, 2022

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, April 18, 2022, 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 Scott K. James, Chair
Commissioner Mike Freeman, Pro-Tem
Commissioner Perry L. Buck
Commissioner Steve Moreno
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Houston Aragon
Chief Financial Officer, Cheryl Pattelli

MINUTES: Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of April 4, 2022, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

PUBLIC INPUT: No public input was given.

AMENDMENTS TO AGENDA: In response to Commissioner Saine concerning the addition of a Resolution in opposition to H.B. 22-1279, known as the "Reproductive Health Equity Act", Commissioner Buck requested the matter be discussed in a work session prior to formal consideration. Commissioner Saine moved to amend the agenda to add said Resolution; however, the motion failed due to the lack of a second, and the Board agreed to review the matter further in an upcoming work session.

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

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck reported that she and Commissioner Saine attended the Garfield County Oil and Gas Energy Symposium, and stated she will be looking into legislation pertaining to energy. Commissioner Buck commended Jason Maxey, Director of the Department of Oil and Gas Energy, for being a panel speaker representing Weld County, and thanked him for all he does for the citizens and working so well with the Colorado Oil and Gas Conservation Commission (COGCC). Commissioner Moreno reported he toured multiple projects with Jay McDonald, Director of the Department of Public Works, along with Elizabeth Relford and Curtis Hall, Deputy Directors of the Department of Public Works, that are currently underway in the County, and further stated there will be a full board tour scheduled soon. Commissioner Saine reported that she, along

with staff from the Departments of Public Works, and Planning Services, joined efforts for a community clean-up day, located east of the Town of Ault, this past Saturday as a public service, and reported people were very grateful for the efforts of the County. *(Clerk's Note: Please see additional comments following item #2 under New Business.)*

WARRANTS:

1) GENERAL WARRANTS – APRIL 15, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

2) GREELEY-WELD COUNTY AIRPORT AUTHORITY WARRANTS – APRIL 15, 2022: Commissioner Moreno moved to approve the Greeley-Weld County Airport Authority Warrants, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

BIDS:

1) PRESENT BID #B2200078, EMULSION DUST CONTROL AGENT – DEPARTMENT OF PUBLIC WORKS: Rose Everett, Purchasing Department, stated two (2) bids were received and staff will make a recommendation on May 2, 2022.

NEW BUSINESS:

1) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR USE OF WELD COUNTY OIL AND GAS ENERGY DEPARTMENT STAFF TO ASSIST WITH 1041 OIL AND GAS LOCATION ASSESSMENT ENFORCEMENT AND AUTHORIZE CHAIR TO SIGN – CITY OF EVANS: Jason Maxey, Director of the Department of Oil and Gas Energy, stated this intergovernmental agreement will allow for department employees to assist the City of Evans with their assessment enforcement of oil and gas locations. Mr. Maxey stated the City of Evans approved the Resolution and Intergovernmental Agreement on First Reading, and will be holding their Second Reading on April 19, 2022. Mark Clark, City of Evans Mayor Pro-Tem, thanked the Board and the Department of Oil and Gas Energy, stated Weld County staff is a great asset and they have a strong working partnership with them. In turn, each Commissioner expressed their appreciation for the many projects where individual government entities come together and assist one another for the benefit of the citizens. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CONTRACT TO BUY AND SELL REAL ESTATE AND AGREEMENT TO AMEND/EXTEND CONTRACT (0 COUNTY ROAD 6, KEENESBURG), AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – BLAKE AND DARLA ARMSTRONG: Toby Taylor, Director of the Facilities Department, stated this real estate agreement is for the purchase of Lot B of Recorded Exemption, RECX15-0148, which is a little over six (6) acres for the amount of \$225,000.00, and further stated the intended purpose is to accommodate a future grader shed. Commissioner Freeman moved to approve said contract and agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously. *(Clerk's Note: Commissioner Moreno requested to add additional comments to his Coordinator report, and asked Mr. Taylor to provide a brief summary of damage to County property over the past several weeks due to high winds. Mr. Taylor stated staff is working diligently to get the repairs made to the Department of Human Services rooftop and grader sheds located outside of Severance and Keenesburg.)*

PLANNING:

1) CONSIDER IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT ACCORDING TO POLICY REGARDING COLLATERAL FOR IMPROVEMENTS, AUTHORIZE CHAIR TO SIGN, AND ACCEPT SITE COLLATERAL FOR RURAL LAND DIVISION FINAL PLAN, RLDF21-0002 – RICHARD AND PATRICIA STAHL: Jazmyn Trujillo-Martinez, Department of Planning Services, requested the Board accept project collateral, in the amount of \$7,500.00, procured in the form of personal check #9417, from JP Morgan Chase Bank, N.A. Ms. Trujillo-Martinez further stated the applicants are aware and agree to all expectations for improvements and road maintenance. Commissioner Freeman moved to approve said agreement, authorize Chair to sign, and accept the site collateral. The motion, which was seconded by Commissioner Moreno, carried unanimously.

2) CONSIDER REQUEST TO EXTEND TIME TO COMMENCE OPERATIONS FOR USE BY SPECIAL REVIEW PERMIT, USR18-0044 – TRICYCLE LANE TEXAS, LLC, C/O CLIFFORD HAHNE: Tom Parko, Director of the Department of Planning Services, stated staff received a letter dated March 1, 2022, requesting to extend the time to commence construction operations. Mr. Parko gave a brief history of the Use by Special Review Permit (USR), and stated the Weld County Code requires construction to commence within three (3) years of the USR approval. Mr. Parko further stated he chose to bring this before the Board since this request was not within that timeframe; and the applicant has requested an additional three (3) year extension rather than the usual six (6) months to one (1) year. Lastly, he informed the Board that staff recommends agreeing to a one (1) year extension. Robert VanderSchaaff, applicant representative, explained the original plan was thwarted by poor market conditions, pandemic constraints, and staffing concerns; thus, construction had not begun. Mr. VanderSchaaff stated he originally requested a three (3) year extension; however, he agreed to a one (1) year extension to determine if they will proceed with the construction of the facility or not. In response to Chair James, Bruce Barker, County Attorney, confirmed this is not an item for public testimony. Commissioner Moreno moved to approve the request to extend time to commence said operations for USR18-0044, for one (1) year. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER REQUEST TO EXTEND TIME TO RECORD THE MAP OR RECISSION OF RESOLUTION #2018 - 3253, DATED OCTOBER 17, 2018, FOR USE BY SPECIAL REVIEW PERMIT, USR18-0028 – DITTMER FARM, LLC, C/O TIMOTHY DITTMER, AND BLUE PILL, LLC, C/O KENDAL DITTMER (*CONT'D FROM 10/17/2021*): Michael Hall, Department of Planning Services, stated this request is the second continuance, which is still ongoing due to property owner disputes concerning the future operations on the property. Mr. Hall further stated the USR map has been recorded through an outside entity, but due to the passing of Kendall Dittmer, the process is complicated. Timothy Dittmer, representing both, as the personal representative of Kendall Dittmer's Estate, stated once probate is completed, he will own the entire property. In response to Mr. Barker, Timothy Dittmer explained the members of the LLC consists of him and his wife. Mr. Barker, in response to Commissioner Freeman, advised to accept the email as the formal request for recission of the plat, and vacation of the USR, once probate is complete. Mr. Barker further instructed Timothy Dittmer to inform the Department of Planning Services when the probate process is complete. He suggested continuing this matter for three (3) to six (6) months, but instructed the staff that if probate is completed sooner, it can be added to the next available agenda. Commissioner Freeman moved to continue said matter to October 17, 2022, at 9:00 a.m., with the option to call it up sooner if probate is resolved. The motion was seconded by Commissioner Saine, and it carried unanimously.

4) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – DANIELA FLORES AND PAULA GRADO (*CONT'D FROM 2/14/2022*): Caitlin Perry, Assistant County Attorney, stated a hearing was held on July 12, 2021, where the court ordered a penalty of \$50.00 per day, and violations included unpermitted storage of commercial vehicles, equipment, and cargo containers, and unauthorized storage of construction materials. She stated the Board of County Commissioners heard this matter on February 14, 2022, and granted a 60-day continuance to allow the site to become compliant; however, the property owner has failed to do so, and it has now been 217 days, which results in a total of \$10,850.00 to be certified as a special assessment. Hannah Dutrow, Zoning Compliance Officer, displayed a vicinity map for the record, as well as photos of the site from her inspection conducted on April 13, 2022, and stated although some progress had been made, there are still unpermitted storage items on site. Modesto Flores, representative of the property owners, stated the storage containers will be moved once he receives approval for the footings and foundation through the Department of Planning Services, and the revised survey plat map was not obtained until Friday, April 15, 2022. Mr. Flores requested an additional month to bring the site into compliance. Chair James expressed his concerns with the applicant's continual requests for additional time, as this property has been in violation since 2019, and Commissioner Freeman echoed his sentiments. Commissioner Saine stated the intention of this process is to get properties back into compliance for the safety and well-being of the owner and public alike. Commissioner Saine further moved to continue said certification of zoning violation penalties as special assessment to May 23, 2022, at 9:00 a.m. Commissioner Freeman seconded the motion, and it carried unanimously.

5) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – LUCINA FLORES (*CONT'D FROM 2/14/2022*): Ms. Perry stated Lucina Flores has a court-ordered daily penalty of \$25.00 per day, beginning on August 4, 2021, and violations include excessive animal units onsite and greater than allowed lot coverage for the onsite structures. She confirmed the Board of County Commissioners previously heard this matter on February 14, 2022, and granted a 60-day continuance to bring the site into compliance, but the property owner has failed to do so and is now 194 days delinquent, which results in a total of \$4,850.00 to be certified as a special assessment. Ms. Dutrow reviewed photos from her inspection conducted on April 13, 2022, and stated the structure was still on the property but there were no animals, feed, or debris in sight. Kurt Nakata, Front Range Fire Rescue representative, stated he inspected this property, and at that time there were still animals and debris associated with the animals on this property, which was a concern. Mr. Flores stated, once again, he just received the plans and needs to get them approved by the Department of Planning Services, and requested an extension of 90 days to complete the process. Commissioner Freeman stated that he is conflicted with how this property has been in violation since 2019. Commissioner Saine moved to continue said certification of zoning violation penalties as special assessment to July 18, 2022, at 9:00 a.m. Commissioner Moreno seconded the motion, 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 9:44 a.m.

These Minutes were approved on the 2nd day of May, 2022.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Scott K. James, Chair

Mike Freeman, Pro-Tem

Perry L. Buck

EXCUSED DATE OF APPROVAL
Steve Moreno

Lori Saine