

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MAY 4, 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, May 4, 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, Pro-Tem
Commissioner Scott K. James
Commissioner Barbara Kirkmeyer
Commissioner Kevin D. Ross

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Bri White
Controller, Barbara Connolly

MINUTES: Commissioner Kirkmeyer moved to approve the minutes of the Board of County Commissioners meeting of April 29, 2020, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Kirkmeyer moved to read Code Ordinance #2020-07 by audio. The motion was seconded by Commissioner Ross, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner James moved to approve the Certification of Hearings conducted on April 29, 2020: 1) USR19-0073 – Peters Ranch 313, Inc., c/o HighPoint Operating Corporation, 2) USR19-0074 – John and Sharon Peters, c/o HighPoint Operating Corporation, 3) USR20-0002 – Richard and Debra Shubert, c/o Go Wireline, LLC, and 4) USR20-0003 – Robert and Donna Ackerman. Commissioner Ross seconded the motion, which 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.

PROCLAMATIONS:

1) OLDER AMERICANS MONTH – MAY 2020: Chair Freeman read the proclamation for the record. Jamie Ulrich, Director of the Department of Human Services, shared her thanks to staff, volunteers, and community contributors. The Board consecutively thanked staff and stated the increased funds for senior centers has greatly benefitted the community.

WARRANTS:

1) GENERAL WARRANTS – APRIL 29, 2020, AND MAY 1, 2020: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2000108, WINDOW CLEANING-NORTH COUNTY – DEPARTMENT OF BUILDINGS AND GROUNDS: Barbara Connolly, Controller, reviewed staff’s recommendation to select High Plains High Rise Window Cleaning, the low bidder meeting specifications, for a total of \$24,660.00. Commissioner Moreno moved to approve said bid. Seconded by Commissioner James, the motion carried unanimously.

2) PRESENT BID #B2000111, CLERK AND RECORDER BUILDING REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Ms. Connolly stated staff received 17 bids and will make a recommendation on May 18, 2020.

NEW BUSINESS:

1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER P1298398 – ARC COLORADO, INC.: Brenda Dones, Assessor, stated all three abatements listed for consideration represent two (2) personal property accounts, which make up one business unit, and there are two (2) abatements because each building had a separate business name in 2017 and 2018. Ms. Dones presented said abatement request responds to a fire in 2013, from which the destroyed equipment was never removed from the listing, as well as a listing of customer-owned equipment needing to be taxed to the owner. Ms. Dones stated staff’s recommendation to deny, due to the discovery of omitted assets exceeding the reduction and value from the customer-owned assets for a sustained total amount of \$6,049,727.00 for 2017, and \$5,099,644.00 for 2018. Commissioner Moreno moved to deny said petition. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER P1582999 – ARC COLORADO, INC., DBA THIXOFORMING, LLC: Ms. Dones stated staff recommends approval, due to the removal of the assets destroyed in the 2013 fire and customer-owned assets. For the 2017 tax year, Ms. Dones presented the corrected assessed value of \$259,770.00 and a corrected total tax amount of \$7,667.46, resulting in an abatement of \$37,001.91. For the 2018 tax year, Ms. Dones presented the corrected assessed value of \$330,383.00 and a corrected total tax amount of \$9,540.66, resulting in an abatement of \$33,633.02. Commissioner James moved to approve said petition, in-part. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBERS O9533613 AND O9537499 – SAVANNA DRILLING, LLC: Ms. Dones stated the abatement request is due to the incorrectly reported locations of two drilling rig sites, which doesn’t affect the total value and only modifies the total tax amount to a corrected total of \$75,276.25, resulting in an abatement of \$314,864.98. Commissioner Ross moved to approve said petition, which was seconded by Commissioner Kirkmeyer, and it carried unanimously.

4) CONSIDER THIRD AMENDMENT TO SPECIFIC PERFORMANCE CONTRACT FOR WATER SHARES AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – CENTRAL COLORADO WATER CONSERVANCY DISTRICT: Bruce Barker, County Attorney, stated on June 5, 2019, the Board entered into a Specific Performance Contract to sell 28 shares of the Fulton Irrigation Ditch Company and two (2) shares of the Lupton Bottoms Ditch Company; he expressed staff has since found a need for said amendment to add a dry out covenant for one (1) of the shares for a total amount of \$42,000.00. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. Commissioner James seconded the motion, and it carried unanimously.

5) CONSIDER CONTRACT ID #3621 RIGHT OF ENTRY FOR CRS 80 AND 37 INTERSECTION PROJECT AND AUTHORIZE CHAIR TO SIGN – CITY OF THORNTON: Clay Kimmi, Department of Public Works, shared staff's intention to begin a design-build project to improve the intersection at County Roads (CR) 80 and 37, due to the Colorado Department of Transportation (CDOT) and the Union Pacific Railroad (UPRR) closing CRs 37 and 78 at U.S. Highway 85. Mr. Kimmi explained the City of Thornton requires a completed Right of Entry form to allow staff to enter the property owned by the City and, in order to maintain the conceptual design schedule, staff requested an access to enter date of May 4, 2020. The motion to approve said right of entry and authorize the Chair to sign, was made by Commissioner Kirkmeyer, seconded by Commissioner Ross, and it carried unanimously.

6) CONSIDER AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – MAXIMUS CONSULTING SERVICES, INC.: Ms. Connolly stated Maximus Consulting Services, Inc. provides technical assistance to complete the annual cost allocation plan for a total amount of \$5,500.00. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

7) FINAL READING OF CODE ORDINANCE #2020-02, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 17 PUBLIC PLACES AND CHAPTER 8 PUBLIC WORKS, OF THE WELD COUNTY CODE (*RIGHT-OF-WAY VACATION PETITIONS*) – (*CONT'D FROM 4/22/2020*): Commissioner Kirkmeyer moved to read Code Ordinance #2020-02 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Mr. Barker read the title for the record and indicated no changes were made since Second Reading. No public input was provided. Commissioner Kirkmeyer moved to approve said ordinance on Second Reading. The motion was seconded by Commissioner James, and it carried unanimously.

8) SECOND READING OF CODE ORDINANCE #2020-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 17 PUBLIC PLACES, OF THE WELD COUNTY CODE (*TRAILS AND E- BIKES*) – (*CONT'D FROM 4/22/2020*): Commissioner James moved to read Code Ordinance #2020-05 by title only. The motion was seconded by Commissioner Moreno, and it carried unanimously. Mr. Barker read the title for the record and no public input was provided. Commissioner Moreno moved to approve said ordinance. Seconded by Commissioner James, the motion carried unanimously.

9) FIRST READING OF CODE ORDINANCE #2020-07, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 5 REVENUE AND FINANCE, OF THE WELD COUNTY CODE (*APPENDIX 5Q, 5R AND 5S*) – (*CONT'D FROM 4/22/2020*): Ms. Connolly explained the proposed revisions to the Appendices will ensure the rating criteria are compliant with Colorado Department of Transportation (CDOT) regulations. No public Input was provided. Commissioner Kirkmeyer moved to approve said ordinance. The motion, which was seconded by Commissioner Ross, carried unanimously.

PLANNING:

1) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX20-0022 – MICHAEL COAN: Chris Gathman, Department of Planning Services, reviewed the applicant’s proposal, displayed a map showing the location of the site, presented a summary of the lots in question, and explained the lots will have a shared access from County Road (CR) 6, with agreement by the applicant to close the existing agricultural access. He noted the applicant is proposing individual wells and septic systems, and although a majority of the site is within the Keenesburg Intergovernmental Agreement (IGA) area, no referral response was received. Mr. Gathman reviewed the intent of the A (Agricultural) Zone District and criteria for Recorded Exemptions (RE), explaining staff’s recommendation for denial based on inconsistencies with surrounding land usage, with orderly and integrated development, and with sound land use planning practices, thus circumventing the subdivision process. He displayed photographs of the site and surrounding views and, in response to Commissioner Kirkmeyer, Mr. Gathman indicated he would research when the first RE was granted. Michael Coan, applicant, requested a change in the Code regarding the limited number of lots for a RE, to accommodate his proposal for a total of 14 lots. He provided Exhibit A for the record documenting other properties with up to 23 lots created through the RE process and displayed various diagrams, marked Exhibit B, asserting his proposal meets the criteria for access, water wells and septic systems. Commissioner Kirkmeyer stated the criteria for a RE includes orderly and integrated development, which isn’t intended for landowners to form a multiple-lot subdivision, rather, it is intended to assist the farmer to divide off part of the farm for family members or workers to ensure ongoing farming operations. In response, Mr. Coan requested the public be notified that the RE application process is subject to change and he requested the Board share examples of a suitable RE. In response, Commissioner Kirkmeyer and Mr. Barker clarified the applicant needs to make the argument for his own RE application and prove it is a sound and orderly usage of the land, consistent with the intent of the A (Agricultural) Zone District. Responding to Commissioner Ross, Mr. Coan indicated the location of the proposed shared access. In response to Commissioner Kirkmeyer’s earlier question, Mr. Gathman stated the first RE on this land was approved in 2010 (RE-4984). Commissioner James read parts of the Code for the record and stated the application is not consistent with sound land use practices, does not meet the statement of purpose for orderly and integrated land use, nor does it establish adequate standards for the design and improvement. Commissioner James moved to deny the application of Michael Coan for Recorded Exemption, RECX20-0022, for the reasons previously discussed. The motion was seconded by Commissioner Kirkmeyer and, upon a roll call vote, the motion carried four to one, with Commissioner Ross opposed.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2020-02 was approved on Final Reading, Code Ordinance #2020-05 was approved on Second Reading, and Code Ordinance #2020-07 was approved on First 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 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Mike Freeman, Chair

Steve Moreno, Pro-Tem

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross