

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, MAY 6, 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 6, 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 James moved to approve the minutes of the Board of County Commissioners meeting of May 4, 2020, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

**AMENDMENTS TO AGENDA:** Commissioner Ross moved to insert the following on the Consent Agenda under 'Miscellaneous': 6) Task Order Contract Amendment #3 to Agreement for Custodial Services-North Business Park (Bid #B1900053) – Oband's Janitorial Company, LLC. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously

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

**PUBLIC INPUT:** No public input was given.

#### **PROCLAMATIONS:**

1) NATIONAL NURSES WEEK – MAY 6-12, 2020: The Board invited the nurses in attendance to stand for a photo opportunity, while Chair Freeman read the proclamation for the record. The Commissioners consecutively thanked nurses and expressed their pride toward the invaluable services they provide, especially considering the COVID-19 Pandemic.

#### **WARRANTS:**

1) GENERAL WARRANTS – MAY 5, 2020: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

**BIDS:**

1) PRESENT BID #B2000099, SECURITY INCIDENT AND EVENT MANAGER (SIEM) – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the 11 bids received and stated staff will make a recommendation on May 20, 2020.

2) PRESENT BID #B2000109, MEAD GRADER SHED CONSTRUCTION – DEPARTMENT OF BUILDINGS AND GROUNDS: Barbara Connolly, Controller, stated staff received 16 bids and will make a recommendation on May 20, 2020.

**NEW BUSINESS:**

1) CONSIDER GRANT APPLICATION FOR CORONAVIRUS (COVID-19) EMERGENCY SUPPLEMENTAL FUNDING (CESF) PROGRAM FOR REDUCING TRANSMISSION OF CORONAVIRUS FOR LAW ENFORCEMENT AND INMATES AND AUTHORIZE ELECTRONIC SUBMITTAL: Sonja Kohlgraf, Sheriff’s Office, shared staff’s request to submit said application for funding assistance to respond to the COVID-19 Pandemic, granting a total of \$19,382.00 for various Personal Protective Equipment (PPE). Commissioner Kirkmeyer thanked staff for informing Roy Rudisill, Director of the Office of Emergency Management, and Barbara Connolly, Controller, of the potential funding. Commissioner Kirkmeyer moved to approve said grant application and authorize electronic submittal. The motion was seconded by Commissioner Ross, and it carried unanimously.

2) CONSIDER AMENDMENT #1 TO SHORT-TERM LEASE AGREEMENT OF THIRTY (30) APARTMENTS (HERITAGE 2 BUILDING, BONELL COMMUNITY, GREELEY, COLORADO) FOR USE AS AN ALTERNATIVE CARE FACILITY AND AUTHORIZE CHAIR TO SIGN – EVANGELICAL LUTHERAN GOOD SAMARITAN – BONELL COMMUNITY: Bruce Barker, County Attorney, presented the extension of the lease from June 7, 2020, to August 1, 2020, with no rental cost. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

3) CONSIDER RETURNING FEDERAL CONGESTION MITIGATION AIR QUALITY (CMAQ) GRANT FUNDING FROM WELD COUNTY COMPRESSED NATURAL GAS (CNG) VEHICLE AND EXPANSION PROJECT TO NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION (NFRMPO) FOR USE ON OTHER PROJECTS: Dawn Anderson, Department of Public Works, shared the return of \$1,646,000.00, through the Buy America Waiver process, of Federal CMAQ Grant funding from the NFRMPO for use on other CMAQ projects. She explained the project was awarded a total of \$5,303,000.00 in Federal CMAQ Grant funding, it has an obligated portion of \$1,284,000.00, and \$2,373,000.00 of the funding was swapped with the North I-25 Design Build Project. Commissioner Ross moved to approve said refund. The motion, which was seconded by Commissioner Moreno, carried unanimously.

4) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZE CHAIR TO SIGN – CITY OF DACONO: Chair Freeman stated the same information applies to items #4 through #10 under “New Business.” Don Sandoval, Community Development Block Grant (CDBG) Manager, shared the requirements by the Department of Housing and Urban Development (HUD) and stated the Intergovernmental Agreements (IGA) allow the listed municipalities to be a participating jurisdiction. He explained there are a total of 25 of these IGAs, which does not include the City of Greeley as it is already an entitlement city. Commissioner Kirkmeyer moved to approve said intergovernmental agreement and authorize the Chair to sign. Commissioner Ross seconded the motion, and it carried unanimously.

5) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZE CHAIR TO SIGN – TOWN OF EATON: The motion to approve said intergovernmental agreement and authorize the Chair to sign, was made by Commissioner Ross, seconded by Commissioner Moreno, and it carried unanimously.

6) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZE CHAIR TO SIGN – TOWN OF FIRESTONE: Commissioner Moreno moved to approve said intergovernmental agreement and authorize Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

7) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZE CHAIR TO SIGN – TOWN OF HUDSON: Commissioner Kirkmeyer moved to approve said intergovernmental agreement and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

8) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZE CHAIR TO SIGN – TOWN OF JOHNSTOWN: Commissioner James moved to approve said intergovernmental agreement and authorize the Chair to sign. Commissioner Moreno seconded the motion, and it carried unanimously.

9) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZE CHAIR TO SIGN – TOWN OF KEENESBURG: Commissioner Ross moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

10) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND AUTHORIZE CHAIR TO SIGN – TOWN OF MEAD: Commissioner Kirkmeyer moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

11) CONSIDER RENEWAL APPLICATION FOR RETAIL LIQUOR STORE (COUNTY) LICENSE AND AUTHORIZE CHAIR TO SIGN – LD CROW VALLEY LIQUORS, LLC, DBA CROW VALLEY LIQUORS: Bob Choate, Assistant County Attorney, reviewed the location and stated there are no concerns for renewal. The motion to approve said renewal application was made by Commissioner James, seconded by Commissioner Ross, and it carried unanimously.

12) CONSIDER RENEWAL APPLICATION FOR TAVERN (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – RM, INC., DBA ROOM 119: Mr. Choate reviewed the location and stated there are no concerns for renewal. Commissioner Moreno moved to approve said renewal application. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

**PLANNING:**

1) CONSIDER FOUR-LOT RECORDED EXEMPTION, RECX20-0003 – BOYD AND HELEN ARNOLD: Diana Aungst, Department of Planning Services, detailed the plot location and surrounding land uses. She included staff's recommendation for denial due to its inconsistency with sound land use practices and its evasion of the subdivision regulations, which ensure the health, safety, and welfare of residents. Ms. Aungst also shared the existence of numerous other Recorded Exemptions (RE) in the area and noted the unmaintained access easement from County Road (CR) 14 serves two (2) existing parcels and is proposed to further serve the four (4) proposed lots, which may result in new maintenance demands or disputes. She stated the proposal does not assist in orderly or integrated development, as it does not adequately address access, water, or emergency services. In response to Commissioner Moreno, Ms. Aungst confirmed the existing access easement extends south from CR 14 and the applicant is proposing three (3) new accesses. Boyd Arnold, applicant, stated the access easement will extend to the proposed lots and he explained Lot C is a low-lying area that cannot be used for agriculture, so he is proposing to build a residence on said lot. In response to Commissioner Kirkmeyer, Mr. Arnold stated he presently owns six (6) different properties, he is attempting to expand his agricultural operations in the Keenesburg area, and he confirmed his intent to utilize the lots to house employees to aid agricultural productivity. Responding to Commissioners Ross and James, Mr. Arnold clarified all lots will be accessed from CR 14, there is a bridge across the Lowline Canal for access to Lot C, and he has a crossing agreement with the Lowline Ditch Company. Commissioner Kirkmeyer stated she typically disapproves of creating a linear subdivision; however, she supports it in this instance because of the applicant's long-standing agricultural operations in the area and his effort to provide affordable employee housing, meeting the intent of the Recorded Exemption process. Commissioners James and Ross concurred, although they expressed their concern with utilizing an access easement across Lots A, B, and D to reach Lot C. Commissioner Kirkmeyer moved to approve Recorded Exemption, RECX20-0003, with the Conditions of Approval as presented. The motion was seconded by Commissioner James, and it carried unanimously.

2) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX19-0046 – LEWIS AND CAROL LOWE, C/O SCOTT DUCOMMUN, ALLES TAYLOR DUKE, LLC: Maxwell Nader, Department of Planning Services, presented the property location and surrounding land uses, stated staff recommends denying the applicant's proposal because the size of proposed Lot B does not meet the minimum acreage requirements of greater than thirty-five acres net, and reviewed the referral responses; furthermore, he displayed images of the site and surrounding views. Mr. Nader explained the applicant's request to waive the size requirement and the intent to split the property, which will allow them to build a second residence and ease the hardships of maintaining a larger lot and home. In response to Commissioner James, Mr. Nader clarified the applicant proposes creating an additional access, but staff recommends sharing the existing access off CR 64.5 between the two (2) lots. Lewis Lowe, applicant, stated he intends to build a single-story dwelling on Lot A for his retirement and for his daughter with special needs. In response to Commissioner Moreno, Mr. Lowe stated he would prefer two (2) access points but is willing to compromise and utilize the existing access. Responding to Chair Freeman and Commissioner Kirkmeyer, Mr. Nader stated there are six (6) acres total, with a proposed split of two (2) acres for Lot A and four (4) acres for Lot B, and he confirmed there is a subdivision to the south of Mr. Lowe's property. Commissioner Kirkmeyer stated the proposal is not the intended use of a RE, but she recognizes the extenuating circumstances are demanding a home more suitable for Mr. Lowe and his daughter. Chair Freeman stated his support, as the land is not agriculturally operational and does not need preservation, while Commissioner Ross agreed with the proposal for a shared access, due to the safety concerns that arise when creating multiple access points. Commissioner Kirkmeyer moved to approve Recorded Exemption, RECX19-0046, with the Conditions of Approval as presented. Seconded by Commissioner Moreno, the motion carried unanimously.

3) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX19-0147 – THE B AND B FAMILY TRUST, C/O HOMER GRINDE, TRUSTEE: Michael Hall, Department of Planning Services, detailed the lot location and the RE proposal to split the parcel into a five (5) acre Lot A and a 77-acre Lot B, which was conditionally approved on December 13, 2019, and is referred to as Exhibit A. Mr. Hall further stated the application is being brought forward with a staff recommendation for denial because the applicant was unwilling to comply with Condition of Approval (COA) #3.A, regarding the proposed Lot A and B access locations, now known as Exhibit B. Mr. Hall continued to summarize staff's proposal to consolidate the existing access points by closing and reclaiming unpermitted access points along CR 51, referred to as Exhibit C, and he shared the applicant's respectful refusal to close any of the three (3) existing access points on proposed Lot A because each access point serves a productive purpose. Mr. Hall displayed images of the site and surrounding views. Zachery Roberson, Department of Public Works, detailed the accesses off CR 51: one (1) unpermitted residential access, one (1) unpermitted agricultural access, and one (1) permitted multi-use, oil and gas access, and he shared staff's proposal to close the middle, unpermitted agricultural access in order to meet spacing requirements. Homer Grinde, applicant, presented his intention to sell the land and stated eliminating the middle, unpermitted agricultural access may lower the property value, due to the placement of the hay shed. In response to Commissioner Kirkmeyer, Mr. Grinde stated the oil and gas access is currently the only permitted access and he has an agreement with the oil and gas company to utilize it for residential and agricultural use. Responding to Mr. Grinde, Commissioner Kirkmeyer stated the distance requirements between accesses are longstanding regulations and staff is merely working to ensure the health, safety, and welfare of residents, while Commissioner James added staff's intention to consolidate the access points stems from the RE process initiating a change in use. Commissioner Kirkmeyer recommend eliminating the middle access, nearest to the hay shed, and she suggested continuing the matter to a later date to allow Mr. Grinde adequate time to determine whether he would like to withdraw from the RE and keep all three (3) access points or close the middle access and commit to the RE. Commissioner Kirkmeyer moved to continue Recorded Exemption, RECX19-0147, to 9:00 a.m. on Wednesday, May 13, 2020, at 9:00 a.m. The motion, which was seconded by Commissioner Ross, 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 10:32 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: \_\_\_\_\_  
Deputy Clerk to the Board

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Mike Freeman, Chair

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Steve Moreno, Pro-Tem

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Scott K. James

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Barbara Kirkmeyer

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Kevin D. Ross