

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, MAY 13, 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 13, 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 11, 2020, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

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

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

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

#### **PROCLAMATIONS:**

1) FOSTER CARE MONTH – MAY 2020: Chair Freeman read the proclamation for the record. Jamie Ulrich, Director of the Department of Human Services, stated accepting the role as a foster parent takes a special type of person and she recognized individual staff members and foster families in attendance to express her gratitude. The Board, in turn, thanked staff and foster families for their dedication in providing hope to the community. *(Clerk's Note: The group gathered for a photo opportunity).*

#### **WARRANTS:**

1) GENERAL WARRANTS – MAY 12, 2020: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2000061, PHYSICAL ABILITIES TEST – SHERIFF'S OFFICE (CONT'D FROM 4/27/2020): Rob Turf, Purchasing Department, stated five (5) bids were received and he presented staff's request for a continuance to May 20, 2020, for additional time to hold a work session with the Board. Commissioner James moved to continue said bid to May 20, 2020. The motion was seconded by Commissioner Ross, and it carried unanimously.

2) APPROVE BID #B2000086, EMC MAINTENANCE AND SUPPORT – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated staff recommends selecting the lowest bidder who met specifications, Saitech, Inc., for a total amount of \$155,495.00. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #3525 AGREEMENT FOR PROFESSIONAL SERVICES FOR ALTERNATIVE TRANSPORTATION SERVICES AND AUTHORIZE CHAIR TO SIGN – HOPSKIPDRIVE, INC.: Ms. Ulrich shared the agreement provides alternative transportation services to assist with transporting youth to and from school and visitations. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

2) CONSIDER CONTRACT ID #3530 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JOHN AND LEAH CANO: Ms. Ulrich presented the new foster care providers, John and Leah Cano. Commissioner James moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) CONSIDER CONTRACT ID #3544 CHILD PROTECTION AGREEMENT FOR SERVICES (BID #B2000037) AND AUTHORIZE CHAIR TO SIGN – KRISTY BENNETT: Ms. Ulrich detailed the addition of Home Study services for the home of Kristy Bennett. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Ross, carried unanimously.

4) CONSIDER CONTRACT ID #3546 MEMORANDUM OF UNDERSTANDING FOR BED BUG MITIGATION AND AUTHORIZE CHAIR TO SIGN – GREELEY TRANSITIONAL HOUSE, INC.: Ms. Ulrich stated the department purchased a commercial clothes dryer in January 2020 for the sole purpose of treating client belongings infested, or potentially infested, with bed bugs. Commissioner Kirkmeyer moved to approve said memorandum of understanding and authorize the Chair to sign. Commissioner James seconded the motion, and it carried unanimously.

5) CONSIDER CONTRACT ID #3642 GRANT AWARD FOR CORONAVIRUS (COVID-19) EMERGENCY SUPPLEMENTAL FUNDING (CESF) PROGRAM AND AUTHORIZE CHAIR TO SIGN: Sonja Kohlgraf, Sheriff's Office, presented the notice for the grant award in the amount of \$39,047.00 for personal protective equipment (PPE) to prevent the outbreak of the COVID-19 Pandemic Health Emergency. The motion to approve said award and authorize the Chair to sign, was made by Commissioner Kirkmeyer, seconded by Commissioner Moreno, and it carried unanimously.

6) CONSIDER RENEWAL APPLICATION FOR FERMENTED MALT BEVERAGE ON-PREMISES (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – ANA M. LUCERO, DBA POLLO FELIZ: Bob Choate, Assistant County Attorney, presented the liquor license renewal application and stated no concerns were received through the referral process. Commissioner Ross moved to approve

said renewal application and authorize Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

7) CONSIDER RENEWAL APPLICATION FOR HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – R AND D 14 CORRIDOR, LLC, DBA DEWEY'S BAR AND GRILL: Mr. Choate detailed the renewal liquor license application and stated no concerns were received from the referral agencies. Commissioner James moved to approve said application and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

**PLANNING:**

1) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX19-0147 – THE B AND B FAMILY TRUST, C/O HOMER GRINDE, TRUSTEE (*CONT'D FROM 5/6/2020*): Michael Hall, Department of Planning Services, provided the property location and Chair Freeman summarized Homer Grinde's request to either withdraw the Recorded Exemption (RE) application or close the middle, unpermitted agricultural access, which would leave two (2) of the three (3) existing accesses. Christine Curl, applicant representative, requested the access be grandfathered in and Commissioner Kirkmeyer stated the access in question does not meet minimum spacing requirements and staff is working to ensure the health, safety, and welfare of residents. In response to Commissioner Kirkmeyer, Bruce Barker, County Attorney, agreed the applicant may continue to utilize the access until a change in ownership of Lot A occurs, as Homer Grinde intends to sell the property. Mr. Barker further suggested the applicant be granted an Access Permit conditional upon closure of the agricultural access upon transfer of ownership, with said permit being recorded for future title search purposes. Mr. Hall stated staff does not typically require Access Permits for RE applications because they are implemented during the Building Permit process and Commissioner Kirkmeyer clarified the Board is requiring the access be permitted for this situation to ensure the discussed conditions are fulfilled. Mr. Barker suggested amending language to Conditions of Approval (COA) #3.F and #4.G.21. Commissioner Kirkmeyer moved to approve Recorded Exemption, RECX19-0147, with the Conditions of Approval as amended. Commissioner James seconded the motion, and it carried unanimously.

2) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX20-0023 – MARK AND LISA CUMMINGS: Mr. Hall presented the property location, surrounding land uses, and the Recorded Exemption (RE) historical timeline of the property dating from 1995, with the proposed RE being the fifth request on the property. Mr. Hall stated staff's recommendation for denial because an additional lot would further contribute to the existing subdivision layout within the 80-acre tract of land and a formal subdivision application process is the appropriate means of development. Lisa Cummings, applicant, stated her and her husband's overall goal is to share the land with their two (2) children and, after providing additional background on the property's RE application history, she shared the proposed RE will create a north-south property boundary for leasing opportunities and for productive agricultural use because Lot B's current shape is not suitable for a center sprinkler pivot. Ms. Cummings further discussed the surrounding land developments to express her proposition and explained they are meeting necessary requirements, such as obtaining water and septic permits for the proposed lots. In response to Commissioner Ross, Ms. Cummings stated the pivot has been in place for approximately one (1) year and clarified the current configuration of Lot B is impractical for agricultural use because the center sprinkler pivot will not reach the seven (7) acres of land, proposed as Lot A. In response to Commissioner Kirkmeyer, Mark Cummings, applicant, discussed their children's likelihood to reside on the lots in the future and Ms. Cummings clarified all three (3) lots share the 70-foot access easement, while the fourth access belongs to the neighbor. Commissioner Kirkmeyer stated the matter is an evasion of the subdivision process but expressed her willingness to consider approval if the requirements of a typical subdivision application are fulfilled. Mr. Cummings responded to Commissioner Kirkmeyer's inquiry, stating the maintenance of the access easement has not yet been determined or put into consideration, while Ms. Cummings added their future intent to apply for a road maintenance agreement. In considering an application for a

subdivision per Commissioner Kirkmeyer's recommendation, Mr. Hall determined staff would require the access easement be a self-maintained public road right-of-way, the applicant must prove there is access to water for each lot, and a cul-de-sac must be created at the end of the access for emergency vehicles. Chair Freeman shared his support in achieving the requirements of the five-lot subdivision process and he emphasized the importance to include access for emergency vehicles. In response to Commissioner Ross, Ms. Cummings stated her neighbor requested a separate access arrangement with an adjacent property owner due to power lines lying between the lot lines and Melissa King, Department of Public Works, stated the applicant's residential access is too short a distance to the neighbor's access to adhere to the subdivision requirements. In response to Commissioner Kirkmeyer, Mr. Barker stated the access easement does not need to be dedicated as a public road right-of-way, but it does need to be a 70-foot wide joint access utility easement extending across Lot B to benefit Lot A. Mr. Hall stated a separate recorded access maintenance agreement would be required upon change of ownership and Mr. Barker assured the County will not maintain it at any point in time. Mr. Hall further requested a Condition of Approval (COA) to state the applicant must provide proof of access to all lots. Commissioner James stated his support for the actions being made. Mr. Barker read the amendment to the plat for the record. Mr. Hall recommended adding advisory notes to the plat, declaring the easement is not a public roadway maintained by the County and reference the road maintenance agreement, listed as COA #1.E and #1.E.2 in said Resolution. Commissioner Kirkmeyer moved to approve Recorded Exemption, RECX20-0023, with the Conditions of Approval as amended. 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 10:14 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