

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MAY 18, 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 18, 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 13, 2020, as printed. Commissioner Ross seconded the motion, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner Moreno moved to approve the Certification of Hearings conducted on May 13, 2020, as follows: 1) USR19-0072 – James and Bettie Miller, c/o H. James Miller, 2) USR20-0004 – Colorado Liberty Pipeline, LLC, 3) USR19-0073 – Peters 313 Ranch, Inc., c/o HighPoint Operating Corporation, 4) USR19-0074 – John and Sharon Peters, c/o HighPoint Operating Corporation, 5) USR20-0002 – Richard and Debra Shubert, c/o Go Wireline, LLC, and 6) USR20-0003 – Robert and Donna Ackerman. Commissioner Ross seconded the motion, which carried unanimously.

**AMENDMENTS TO AGENDA:** Commissioner Kirkmeyer moved to remove the following under Consent Agenda – Miscellaneous and renumber accordingly: 7) Contract ID #3565 Agreement Amendment #2 for Child Protection Services (Bid # B1900025) – North Range Behavioral Health. The motion was seconded by Commissioner James and it carried unanimously.

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

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

**WARRANTS:**

1) GENERAL WARRANTS – MAY 15, 2020: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2000111, CLERK AND RECORDER BUILDING REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Barbara Connolly, Controller, reviewed staff’s recommendation to select Swift Builders, LLC, the low bidder meeting specifications, for a total of \$1,998,944.00. Commissioner Kirkmeyer moved to approve said bid, the motion was seconded by Commissioner Ross, and it carried unanimously.

2) PRESENT AND APPROVE EMERGENCY BID #B2000128, ROOF REPLACEMENT (1390 NORTH 17TH AVENUE, GREELEY) – DEPARTMENT OF BUILDINGS AND GROUNDS: Ms. Connolly presented the eight (8) bids received and stated staff’s request for emergency approval, due to the building’s roof membrane being detached in various places. Ms. Connolly stated staff recommends selecting the lowest bidder who met specifications, ACC Roofing, Inc., for a total amount of \$77,500.00. Commissioner Ross moved to approve said bid on an emergency basis, the motion was seconded by Commissioner James, and it carried unanimously.

**NEW BUSINESS:**

1) CONSIDER AMENDMENT TO PURCHASE OF PROFESSIONAL SERVICES AGREEMENT FOR OIL AND GAS AUDITS AND EVALUATION SERVICES AND AUTHORIZE CHAIR TO SIGN – MARTINDALE CONSULTANTS, INC.: Brenda Dones, Assessor, presented Martindale Consultants, Inc., as the financial auditor for self-reported oil and gas companies and explained their role to review the books and records, holding the companies accountable for accurate expense reports. Commissioner Moreno moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

2) CONSIDER AMENDMENT #1 TO INTERGOVERNMENTAL AGREEMENT FOR COVID-19 PERSONAL ISOLATION FACILITY (30 UNITS AT EVANGELICAL LUTHERAN GOOD SAMARITAN – BONELL COMMUNITY CAMPUS) AND AUTHORIZE CHAIR TO SIGN – CITY OF GREELEY: Bruce Barker, County Attorney, stated the amendment reassigns duties and responsibilities, ensuring the County’s contribution will not exceed the amount of \$29,000.00 in funding for the referenced services, with a term extended to August 7, 2020. He shared the City of Greeley will provide funding for various services in an amount not to exceed \$200,000.00. In response to Commissioner Moreno, Roy Rudisill, Director of the Office of Emergency Management, confirmed the apartments are currently free of residents. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.

3) CONSIDER CONTRACT ID #3640 AWARD LETTER AND INTERGOVERNMENTAL AGREEMENT FOR 2020 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT FOR NORTHERN COLORADO REGIONAL FORENSIC LABORATORY AND AUTHORIZE CHAIR TO ELECTRONICALLY SIGN AND SUBMIT: Daren Ford, Sheriff’s Office, stated the grant designates funds in the amount of \$17,614.14 for personnel training. In response to Commissioner Kirkmeyer, Mr. Ford confirmed the award ends in December of 2020, and staff does not anticipate the need for renewal. Commissioner Kirkmeyer moved to approve said award letter and authorize the Chair to sign. The motion, which was seconded by Commissioner Ross, carried unanimously.

4) CONSIDER CONTRACT ID #3645 AMENDMENT #1 TO STRUCTURE AGREEMENT FOR COMPENSATION FOR DAMAGE TO STRUCTURES WITHIN 200 FEET OF MINING ACTIVITIES AT KOSKIE GRAVEL PIT AND AUTHORIZE CHAIR TO SIGN – SCOTT KOSKIE: Hayley Balzano, Department of Public Works, presented the boundary change driving the need for an updated agreement to guarantee compensation if the fence or livestock well undergoes any damages during the mining operation. Commissioner Moreno moved to approve said amendment and authorize the Chair to sign. Commissioner Kirkmeyer seconded the motion and it carried unanimously.

5) CONSIDER TEMPORARY CLOSURE OF CR 17 BETWEEN CRS 36.5 AND 38: Amy Mutchie, Department of Public Works, detailed the closure of CR 17 will occur between May 26, 2020, and May 29, 2020, for a culvert replacement and noted water will be utilized for dust control along the detour route. The motion to approve said temporary closure was made by Commissioner James, seconded by Commissioner Ross, and it carried unanimously.

6) CONSIDER TEMPORARY CLOSURE OF CR 23 BETWEEN CRS 4.5 AND 6: Ms. Mutchie detailed the closure of CR 17 will occur between May 26, 2020, and May 29, 2020, for a culvert replacement and water will be utilized for dust control along the detour route. Commissioner Moreno moved to approve said temporary closure. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

7) CONSIDER CORRECTED RESOLUTION #2020-1172 TO APPOINT DIRECTORS TO FILL VACANCIES ON BOARD OF DIRECTORS OF KITELEY RANCH METROPOLITAN DISTRICT: Mr. Barker stated the Resolution corrects the election date to be rescheduled for October 6, 2020, as the Board approved the resolution on April 22, 2020, which did not allow the metropolitan district adequate time to hold the election on May 5, 2020. The motion to approve said corrected Resolution was made by Commissioner James, seconded by Commissioner Moreno, and it carried unanimously.

8) FINAL 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*): Commissioner Kirkmeyer moved to read Code Ordinance #2020-05 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Mr. Barker read the title for the record and he stated no changes were made between Second and Final Readings. No public input was provided. Commissioner Moreno moved to approve said code ordinance on Final Reading. The motion was seconded by Commissioner Ross and it carried unanimously.

**PLANNING:**

1) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX20-0028 – SCOTT TARBELL: Chris Gathman, Department of Planning Services, presented the location of the property and detailed the Recorded Exemption (RE) historical timeline of the property dating from 2000. Mr. Gathman stated the applicant's request to evenly divide the area irrigated by a half-pivot sprinkler system and the applicant intends to build a dwelling in the northeast portion of Lot A. He shared the lots will be served by individual wells and septic systems, access will be from CR 15, the site is located within the Timnath and Severance Intergovernmental Agreement area, and he reviewed their referral responses for the record. Mr. Gathman further shared staff's recommendation for denial because dividing a sprinkler pivot in half could impact agricultural production and staff suggests isolating the sprinkler pivot to a single lot in order to protect irrigation from future potential owners discontinuing production on either lot. Mr. Gathman displayed and reviewed photos of the site and surrounding views. In response to Commissioner Kirkmeyer, Melissa King, Department of Public Works, verified there is an existing agricultural access to Lot B and she stated the applicant's proposed access to Lot A does not meet spacing requirements between the neighbor's existing access; thus, staff recommends either sharing the residential access with the neighbor or relocating the existing Lot A agricultural access to the center of the property split to share between Lots A

and B. Patrick Groom, applicant legal representative, stated the proposed split does not prohibit ongoing irrigation and agricultural uses and the applicant is willing to negotiate access points or create an easement to access Lot B from Lot A. In response to Commissioner Kirkmeyer, Mr. Groom clarified the residential placement isn't yet determined and Scott Tarbell, applicant, expressed his intention to build a home on Lot A, just outside of the sprinkler pivot. Commissioner Kirkmeyer stated her support in the matter, as the placement of the home will not jeopardize agricultural use, and she agreed with creating an easement to access Lot B from Lot A because moving the existing access to the center of the property split would interfere with agricultural development. Mr. Gathman and Chair Freeman agreed to delete Conditions of Approval (COA) #1.F.7.A and #1.F.8.B from the Resolution and reflect said changes on the plat. Commissioner Kirkmeyer included the deletion of COA #1.A because the concerns from staff have been addressed, she requested amending COA #1.B to read "attempt to satisfy the concerns of the school district," and she suggested both existing accesses be identified as agricultural. Commissioner Kirkmeyer moved to approve Recorded Exemption, RECX20-0028, with the Conditions of Approval as amended. The motion, which was seconded by Commissioner James, carried unanimously.

2) CONSIDER RESUBDIVISION, RES20-0001, TO ADJUST THE LOT LINES BETWEEN BLOCKS 57 AND 59 OF BARNESVILLE MINOR RESUBDIVISION – ALFREDO OROZCO AND THE GALETON FIRE PROTECTION DISTRICT, C/O DENNIE KUTCHER: Michael Hall, Department of Planning Services, detailed the lot location, the subdivision historical timeline of the property dating from 1910, and stated the applicant's request to adjust the lot lines between Block 57 and 59 in order to isolate the existing irrigation pond to Block 57 alone. Mr. Hall shared the pond currently spans on both Blocks 57 and 59 and the north lot line of Block 59 will move to match the north line of the vacated right-of-way of Weldon Avenue. He assured the access layout will remain unchanged, water service is provided by individual water wells on each parcel, and sewage disposal will be provided by individual on-site wastewater treatment systems. Furthermore, Mr. Hall stated staff recommends approval, as the request is in compliance with the Resubdivision application requirements as discussed. He displayed photos of the subject site and surrounding views. Dennie Kutcher, applicant, and Fire Chief Ross Kane, were present to answer any questions. No public input was provided. Commissioner Kirkmeyer moved to approve Resubdivision, RES20-0001, with the Conditions of Approval as presented. Commissioner Ross seconded the motion and it carried unanimously.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2020-05 was 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 9:55 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