

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, JULY 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, July 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 Kirkmeyer moved to approve the minutes of the Board of County Commissioners meeting of July 8, 2020, as printed. Commissioner Ross seconded the motion, and it carried unanimously.

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

**CONSENT AGENDA:** Commissioner Moreno 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 – JULY 10, 2020: Commissioner James moved to approve the General Warrants, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2000102, MASTER DRAINAGE PLAN – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, JVA Consulting Engineers, for a total amount of \$105,964.00. Commissioner Moreno moved to approve said bid, the motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

2) APPROVE BID #B2000135, BOILER REPLACEMENT (822 7TH STREET) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed staff’s recommendation to select Westco Systems, Inc., the low bidder meeting specifications, for a total of \$179,980.00. Commissioner Ross moved to approve said bid, the motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

3) APPROVE BID #B2000140, SOUTHWEST IRRIGATION SYSTEM REPLACEMENT – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf introduced H2 Enterprises as the low bidder selected by staff and confirmed they met all specifications, for a total amount of \$73,500.00. Commissioner James moved to approve said bid, the motion was seconded by Commissioner Ross, and it carried unanimously.

4) APPROVE BID #B2000144, MULTI-HOUSING WASHERS AND DRYERS FOR JAIL 2 WEST – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed staff’s recommendation to select Weld County Appliance, Inc., the low bidder meeting specifications, for a total of \$20,264.00. Commissioner Ross moved to approve said bid, the motion was seconded by Commissioner James, and it carried unanimously.

5) PRESENT BID #B2000142, DEPARTMENT OF PUBLIC WORKS PERIMETER FENCING – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf stated staff received five (5) bids and will make a recommendation on July 27, 2020.

**NEW BUSINESS:**

1) CONSIDER MEMORANDUM OF UNDERSTANDING FOR RESTORATIVE JUSTICE PROGRAM AND AUTHORIZE CHAIR TO SIGN – YOUTH AND FAMILY CONNECTIONS: Commissioner Kirkmeyer moved to approve said memorandum of understanding and authorize the Chair to sign. The motion was seconded by Commissioner Moreno and it carried unanimously.

2) CONSIDER CONTRACT ID #3850 ACCEPTANCE OF GRANT AWARD LETTER FOR 2020-2021 BEAT AUTO THEFT THROUGH LAW ENFORCEMENT (BATTLE) GRANT PROJECT: Sonja Kohlgraf, Sheriff’s Office, shared the award allocation in the amount of \$62,053.00 will be utilized toward the purchase of a license plate reader trailer and two (2) GPS systems to aid in reducing auto theft throughout the State. In response to Commissioners Moreno and Ross, Captain Alan Caldwell, Sheriff’s Office, explained the reader will be placed in a speed trailer to capture photos of license plates, detect stolen vehicles, and report them; however, the reader will not capture speed or any other violation. Commissioner Moreno moved to approve said grant award letter. Seconded by Commissioner James, the motion carried unanimously. Responding to Commissioner Kirkmeyer, Mr. Caldwell detailed the speed trailer will be placed in the south Del Camino area and further expressed Colorado is going through an epidemic of stolen vehicles in the metropolitan areas.

3) CONSIDER CONTRACT ID #3851 PERMANENT DONATION AGREEMENT FOR 2015 POLARIS RAZOR S900 UTILITY-TYPE VEHICLE (UTV) FROM THE NATIONAL INSURANCE CRIME BUREAU (NICB) TO THE WELD COUNTY SHERIFF'S OFFICE TO BE DESIGNATED FOR AUTO THEFT AND INSURANCE FRAUD INVESTIGATIONS AND AUTHORIZE CHAIR TO SIGN: Ms. Kohlgraf summarized the Utility-Type Vehicle (UTV) donation, which has an estimated retail value between \$7,415.00 and \$9,755.00, and stated it will be utilized to bait auto theft suspects and allow deputies to track and arrest thieves. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Ross, carried unanimously.

4) CONSIDER RIGHT OF ENTRY AGREEMENT FOR ENVIRONMENTAL ASSESSMENT AND RESPONSE AT FORMER F.E. WARREN AIR FORCE BASE, ATLAS 'E' MISSILE SITE #12, AND AUTHORIZE CHAIR TO SIGN: Toby Taylor, Director of the Department of Buildings and Grounds, stated the agreement allows the Army Corps of Engineers and their contractors to periodically access to the Missile Site to perform necessary environmental cleanup work. Responding to Commissioner Kirkmeyer, Mr. Taylor assured the park will not need to be closed during said cleanup. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Commissioner James seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT ID #3852 CONTRACT FOR IMPROVEMENTS TO U.S. HWY 85 AND CR 98 AND AUTHORIZE CHAIR TO SIGN: Elizabeth Relford, Deputy Director of the Department of Public Works, detailed the contract allows the Colorado Department of Transportation (CDOT) to move forward with the auxiliary lane installation and the County Road (CR) 98 railroad crossing widening project for a total amount of \$73,456.00. The motion to approve said contract and authorize the Chair to sign was made by Commissioner Kirkmeyer, seconded by Commissioner Moreno, and it carried unanimously.

**PLANNING:**

1) CONSIDER DISMISSAL OF CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JOSE LOPEZ (*CONT'D FROM 1/20/2020*): Karin McDougal, Assistant County Attorney, shared the certification case and staff's recommendation to dismiss the violation penalties. She stated, although the property is still in violation, the applicant is currently working to move the business location, with verification from the Town of Keenesburg. Ms. McDougal affirmed the Resolution in consideration does not dismiss the court case, to ensure an enforcement mechanism remains in place. In response to Commissioner Kirkmeyer, Ms. McDougal confirmed the certification case started over a year ago, detailed the County has certified against the applicant once prior, and the court case will remain open, continuing to accrue fees until the necessary requirements are fulfilled, in order to enforce the violations are resolved. In further discussion with Commissioner Kirkmeyer, Ms. McDougal stated the business is a Use by Right on the new property and the Town of Keenesburg will determine the date the business can be moved. In response to Commissioner Kirkmeyer, Ms. McDougal stated the applicant did not apply for a Use by Special Review (USR) Permit because the applicant's attorneys were unable to appropriately represent him at the time; thus, he's no longer able to apply for a Use by Special Review Permit and requests to move the business to a location that is zoned appropriately. Commissioner Kirkmeyer moved to continue said dismissal of certification to Monday, September 14, 2020, at 9:00 a.m. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX20-0054 – BARTON LAND AND CATTLE, INC., C/O BRIAN BARTON: Michael Hall, Department of Planning Services, presented the lot location and the property's Recorded Exemption (RE) historical timeline, detailing the proposal for a two-lot RE, with Lot A to be vacant and Lot B to contain the agricultural improvements. He expressed staff's recommendation for denial due to its contribution to the existing subdivision-like layout, as it would create five (5) linear lots and it is the opinion of staff that it should undergo a formal Planned Unit Development (PUD) or Minor Subdivision process to bring it into compliance with sound land use practices. Loren Shanks, Surveyor, stated the vertical oil and gas energy well equipment will be removed because they have been reclaimed by horizontal wells, which will alleviate some of the concerns about multiple accesses off of County Road (CR) 48, and clarified the previous two (2) REs were executed simply to reduce the size of Lot A and increase the size of Lot B. Brian Barton, applicant, stated the request will improve farming operations and allow for more efficient production. Responding to Commissioner Kirkmeyer, Mr. Shanks stated both parcels were purchased at the same time and Mr. Barton clarified no water is available on either lot, as it is a dryland farm. In response to Commissioner Kirkmeyer, Mr. Barton stated the initial reason for the purchase of the lots was to expand farming operation and to build a shop

that was not at their main residence. After further discussion with Commissioner Kirkmeyer, Mr. Shanks stated an employee resides on Lot B and Lot A is vacant. Mr. Hall clarified the applicant purchased the existing Lots A and B in February 2019 and Mr. Barton shared an employee resides at the home on Lot B. Commissioner James stated the matter needs to be handled through the subdivision process, but recognizes the importance of generating cashflow to maintain agriculture operations. Commissioner Ross detailed the RE would not improve nor hinder agricultural production since it is a dryland farm, while Commissioner Kirkmeyer determined it appears the property was purchased for the purpose of dividing it and selling it off, which should undergo the appropriate subdivision process. In response to Chair Freeman and Commissioner Kirkmeyer, Mr. Barton stated a small feed yard currently exists on Lot B, there are plans to build a shop on the dryland portion, and the company sold the cattle two (2) years ago and it is strictly a crop operation at the moment. Responding to Commissioner James, Mr. Hall reviewed the RE historical timeline, confirming the current owner has only amended the lot lines thus far and all REs have been completed by previous owners, and Commissioner James stated the request to divide the property for the sole purpose of selling Lot A is defined as a subdivision. Commissioner Moreno moved to deny Recorded Exemption, RECX20-0054. The motion was seconded by Commissioner Kirkmeyer, and upon a roll call vote, the motion carried with Chair Freeman and Commissioner Ross opposed.

3) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX20-0055 – BRIAN AND DENISE BARTON: Mr. Hall presented the property's RE historical timeline, detailed the applicant's proposal will result in four (4) two-lot REs on the property, and the surrounding land uses. Mr. Hall shared staff recommends denial because staff determined the application results in an evasion of the minor subdivision process, is inconsistent with sound land use practices, and does not properly integrate access points and road maintenance plans, water service, and fire protection and emergency services. In response to Commissioner Kirkmeyer's inquiry regarding the staff referral, Melissa King, Department of Public Works, shared the applicant's request for a new access point on proposed Lot A would sit directly across from an existing access point and staff recommends requiring an access permit for the new access point. Responding to Chair Freeman, Ms. King confirmed there are no safety concerns with the proposed access. Loren Shanks, Surveyor, suggested aligning the proposed access with the existing access and Brian Barton, applicant, shared the initial intent was for his daughter to reside at the property, but circumstances changed, and the lot will now need to be sold. In response to Commissioner Kirkmeyer, Ms. King confirmed the proposed access meets all spacing requirements and the only concern would be to obtain an access permit. Commissioner James detailed Lot A is not viable for farming production because it is outside of the sprinkler pivot, which meets the intent of the RE process. Commissioner Kirkmeyer recommended deleting Condition of Approval (COA) #1.A. Commissioners Freeman and Ross expressed their support for approving the request for said RE. The motion to approve said Recorded Exemption, RECX20-0055, as amended, was made by Commissioner James, seconded by Commissioner Ross, 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 9:59 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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EXCUSED DATE OF APPROVAL  
Barbara Kirkmeyer

\_\_\_\_\_  
Kevin D. Ross