

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, SEPTEMBER 28, 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, September 28, 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 September 23, 2020, as printed. Commissioner Ross seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Kirkmeyer moved to read Code Ordinance #2020-16 by audio. The motion was seconded by Commissioner Moreno, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner James moved to approve the Certification of Hearings conducted on September 23, 2020, as follows: 1) USR20-0015 – John and Sharon Baptist, and 2) USR20-0016 – Bryan Edwards. Commissioner Kirkmeyer seconded the motion, which carried unanimously.

AMENDMENTS TO AGENDA: Commissioner Kirkmeyer moved to insert the following item under New Business and renumber the remaining items: 12) Consider Reorganization of Department of Public Works. The motion was seconded by Commissioner James and it carried unanimously.

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.

WARRANTS:

1) GENERAL WARRANTS – SEPTEMBER 25, 2020: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER APPLICATION FOR TIER III EMERGENCY MEDICAL SERVICES LICENSE AND AUTHORIZE CHAIR TO SIGN – GLOBAL MANAGEMENT AND CONSULTING, LLC, AND ARMADA MANAGEMENT, LLC, DBA MILE HIGH AMBULANCE, LLC: Dan Joseph, Department of Public Health and Environment, stated the application is for an ambulance services license and shared the recommendation to select Mile High Ambulance, LLC, to receive a Tier III license. Commissioner Kirkmeyer moved to approve said application and authorize the Chair to sign said license. The motion was seconded by Commissioner Moreno and it carried unanimously.

2) CONSIDER CONTRACT ID #4129 AMENDMENT #2 FOR MATERNAL AND CHILD HEALTH (MCH) PROGRAM AND AUTHORIZE CHAIR TO SIGN AND ELECTRONICALLY SUBMIT: Mark Lawley, Deputy Director of the Department of Public Health and Environment, explained the MCH Program actually encompasses two separate programs: the Early Childhood Obesity Prevention Program and the Health Care Program for Children with Special Needs, with the contract amendment amounting to \$319,054.00. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign and electronically submit. Seconded by Commissioner James, the motion carried unanimously.

3) CONSIDER CONTRACT ID #4131 AMENDMENT #2 FOR WISEWOMAN PROGRAM FOR CHRONIC DISEASE PREVENTION AND AUTHORIZE CHAIR TO SIGN AND ELECTRONICALLY SUBMIT: Mr. Lawley shared the Wisewoman Program provides chronic disease prevention work and the contract amendment totals \$3,000.00. Commissioner Moreno moved to approve said amendment and authorize the Chair to sign and electronically submit. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER CONTRACT ID #4121 INTERGOVERNMENTAL AGREEMENT FOR 2020 TRANSPORTATION MASTER PLAN UPDATE AND AUTHORIZE CHAIR TO SIGN – CITY OF EVANS: Dawn Anderson, Department of Public Works, stated the Multimodal Option Fund Application focuses on a quality network of roads and intersections for a two percent (2%) partnership cost, totaling in \$3,000.00. Commissioner Ross moved to approve said intergovernmental agreement and authorize the Chair to sign. Commissioner Kirkmeyer seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT ID #4122 INTERGOVERNMENTAL AGREEMENT FOR 37TH STREET WIDENING BETWEEN 35TH AVENUE AND 47TH AVENUE AND AUTHORIZE CHAIR TO SIGN – CITY OF EVANS: Ms. Anderson detailed the Surface Transportation Block Grant (STBG) Application promotes the quality, functionality, and safety of the 37th Street widening project, with a financial match of \$24,000.00. The motion to approve said intergovernmental agreement and authorize the Chair to sign was made by Commissioner Kirkmeyer, seconded by Commissioner James, and it carried unanimously.

6) CONSIDER CONTRACT ID #4130 AGREEMENT FOR RELOCATION OF GAS/OIL PIPELINES FOR CR 72 RAILROAD CUL-DE-SAC PROJECT AND AUTHORIZE CHAIR TO SIGN – DCP OPERATING COMPANY, LP: Don Dunker, Department of Public Works, summarized the vacation of County Road (CR) 72 was approved in 2018 and the current cul-de-sac construction plans at CR 72 require the relocation of a pig launching station for a total amount of \$34,132.00. He detailed the existing facilities will be relocated into a private easement. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.

7) CONSIDER TEMPORARY CLOSURE OF CR 42 BETWEEN CRS 39 AND 41: Amy Mutchie, Department of Public Works, detailed the closure will occur from October 12, 2020, to October 30, 2020, for a bridge re-deck and noted magnesium chloride will be utilized on all gravel road detour routes for dust control. Commissioner Moreno moved to approve said closure. Seconded by Commissioner Ross, the motion carried unanimously.

8) CONSIDER TEMPORARY CLOSURE OF CR 69 BETWEEN CRS 18 AND 20: Ms. Mutchie stated the closure will occur between October 12, 2020, and October 16, 2020, for a culvert replacement and noted water will be used for dust control along the detour route. Commissioner Kirkmeyer moved to approve said closure. Commissioner James seconded the motion and it carried unanimously.

9) CONSIDER TEMPORARY CLOSURE OF CR 20 BETWEEN CRS 67 AND 69: Ms. Mutchie shared the closure will occur from October 19, 2020, to October 23, 2020, for a culvert replacement and noted water will be used for dust control along the detour route. Commissioner Ross moved to approve said closure. The motion was seconded by Commissioner James and it carried unanimously.

10) CONSIDER CONTRACT ID #4128 GRANT APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE FUND (EIAF) PROGRAM FOR CRS 74 AND 31 INTERSECTION ROUNDABOUT DESIGN PROJECT (AUGUST CYCLE-TIER I) AND AUTHORIZE ELECTRONIC SUBMITTAL: Elizabeth Relford, Deputy Director of the Department of Public Works, shared the application is for an October 2020 submittal of a Tier I grant design project at a total cost of 850,000.00, with said application amounting to \$200,000.00 and the County providing a match for the remaining \$650,000.00. The motion to approve said application and authorize electronic submittal was made by Commissioner Ross, seconded by Commissioner Kirkmeyer, and it carried unanimously.

11) CONSIDER CONTRACT ID #4127 GRANT APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE FUND (EIAF) PROGRAM FOR 35TH AVE. AND O ST. INTERSECTION ROUNDABOUT CONSTRUCTION PROJECT (OCTOBER CYCLE-TIER II) AND AUTHORIZE ELECTRONIC SUBMITTAL: Ms. Relford shared the application is for 1-million dollars and the construction of a roundabout at the intersection of 35th Avenue and O Street. Ms. Relford stated the City of Greeley has committed 1.6 million dollars to this project and the County will likely provide 9-10 million dollars as well. In response to Commissioner Moreno, Ms. Relford anticipated completing the design by the end of the year and then beginning the right-of-way acquisition process so construction can commence upon approval of the grant application. Commissioner Moreno moved to approve said grant application and authorize electronic submittal. The motion, which was seconded by Commissioner Ross, carried unanimously.

12) CONSIDER REORGANIZATION OF DEPARTMENT OF PUBLIC WORKS: Jay McDonald, Director of the Department of Public Works, presented the reorganization of the department will promote efficiency by eliminating a position and creating another. Commissioner James moved to approve said reorganization. The motion was seconded by Commissioner Kirkmeyer, and it carried, with Commissioner Ross opposed.

13) CONSIDER APPOINTMENT TO WORKFORCE DEVELOPMENT BOARD: Commissioner James moved to approve said appointment. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

14) CONSIDER CORRECTED RESOLUTION CONCERNING ITEMIZED LIST OF LEGAL HOLIDAYS DURING CALENDAR YEAR 2021: Esther Gesick, Clerk to the Board, presented the correction to schedule December 23, 2021, as the floating holiday, totaling in 11 days off. Commissioner Moreno

moved to approve said corrected Resolution. Seconded by Commissioner James, the motion carried unanimously.

PLANNING:

1) CONSIDER RESCINDING RESOLUTION #2019-4345, DATED OCTOBER 9, 2019, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR19-0053 – PATRICIA NASH (*CONT'D FROM 9/14/2020*): Angela Snyder, Department of Planning Services, summarized the unfulfilled Conditions of Approval (COA), such as the screening of the noncommercial junkyard and the recording of the mylar map. Patricia Nash, applicant, stated she completed the mylar map and will complete the berm for screening of the noncommercial junkyard within 120 days. In response to Commissioner Kirkmeyer, Ms. Snyder detailed the violation originated in 2018 and Ms. Nash clarified 90 days will be sufficient to clean up and screen the junkyard. Responding to Commissioner Kirkmeyer and Bruce Barker, County Attorney, Ms. Snyder shared the mylar map cannot be recorded until the COAs regarding the noncommercial junkyard are satisfied. In response to Ms. Nash's inquiry, Ms. Snyder and Commissioner Kirkmeyer clarified the berm needs to be built and noncommercial vehicles must be stored behind the berm within 90 days in order to meet the COAs and record the mylar map. Commissioner Kirkmeyer moved to continue said matter to January 11, 2021, at 9:00 a.m. The motion, which was seconded by Commissioner Moreno, carried unanimously.

2) CONSIDER PROBABLE CAUSE HEARING, PCSC20-0002, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR-983 – MAREK FARMS, LTD, C/O JOHN PIPE: Ms. Snyder summarized the probable cause hearing requirements and the Use by Special Review (USR) historical timeline for a commercial salvage yard, detailing the building violation is due to the four (4) unpermitted hoop structures on the property. Ms. Snyder presented the Agricultural Exempt Permit needs a few modifications to gain completion and the hoop structures must either be removed from the property or permitted. Holly Mihm, applicant's representative, requested 30 days to remove the hoop structures and finalize the Agricultural Exempt Permit. Upon probable cause being evident, Commissioner James deemed it advisable to schedule a Show Cause Hearing for November 9, 2020, at 9:00 a.m. Commissioner Kirkmeyer seconded the motion and it carried unanimously.

3) FIRST READING OF CODE ORDINANCE #2020-16, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 24 SUBDIVISIONS, OF THE WELD COUNTY CODE (*RECORDED EXEMPTIONS AND MISC.*): Tom Parko, Director of the Department of Planning Services, stated the updated zoning code policies assign new principles and replace processes that are no longer sustainable. Mr. Parko expressed gratitude towards staff for their extensive work on the subdivision rewrite. Michael Hall, Department of Planning Services, shared the code changes improve land use practices and simplify inaccessible or difficult processes. Mr. Hall summarized the modifications to the Agricultural Zone District minimum lot size bulk requirements, the addition of the Agricultural Heritage Overlay District, and the removal of major subdivisions. He further discussed the minor and rural subdivisions were replaced with Rural Land Division, Family Farm Division, and Public Facility Division processes, he detailed the two (2) boundary adjustment options, and shared the updated fees, violations, and penalties reflect the changes.

Ray Tschillard, Poudre Learning Center (PLC) associate, summarized the positive impact the Agricultural Heritage Overlay District will have on the Poudre Learning Center, the only environmental education center in the County, and nearby historic homes and farms. Mr. Tschillard detailed the PLC strives for awareness, value, and vision by providing water education, developing a student-run agricultural program, and encouraging constellation education utilizing the Northern Colorado Observatory. Dan Austin, PLC associate, shared his passion for the center's dedication to immersing children in agricultural education and water preservation. Responding to Commissioner Kirkmeyer, Mr. Hall confirmed seven (7) acres was agreed upon in the Family Farm Division section and the three (3) acres in the Subdivision Rewrite packet is a clerical error. The Board consecutively thanked Mr. Barker and

staff for protecting agriculture families, identifying and removing obsolete processes, and encouraging productive growth for Weld County. The motion to approve Code Ordinance #2020-16 on First Reading was made by Commissioner Kirkmeyer, seconded by Commissioner Ross, and it carried unanimously.

4) FINAL READING OF CODE ORDINANCE #2020-11, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING, OF THE WELD COUNTY CODE (*ZPAG CHANGES*): Commissioner Kirkmeyer moved to read Code Ordinance #2020-11 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Mr. Barker read the title for the record. Mr. Parko stated no changes were made between Second and Final Reading. No public input was provided. The motion to approve Code Ordinance #2020-11 on Final Reading was made by Commissioner Kirkmeyer and seconded by Commissioner Moreno. Commissioner Kirkmeyer commended staff and the motion carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2020-16 was approved on First Reading and Code Ordinance #2020-11 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 10:07 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