

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, SEPTEMBER 30, 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 30, 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 28, 2020, as printed. Commissioner Ross seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Kirkmeyer moved to read Code Ordinances #2020-13 and #2020-17 by audio. The motion was seconded by Commissioner Ross, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Moreno moved to approve the Certification of Hearings conducted on September 28, 2020, as follows: 1) Board of Equalization for 2020. Commissioner Ross seconded the motion, which carried unanimously.

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

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 – SEPTEMBER 29, 2020:** Commissioner Ross moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2000161, NORTH JAIL 2 WEST CISCO NETWORK DEVICES – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated staff recommends selecting the lowest bidder who met specifications, Lewan Technology, for a total amount of \$123,792.33. Commissioner Moreno moved to approve said bid, the motion was seconded by Commissioner Ross, and it carried unanimously.

2) PRESENT BID #B2000177, CONTROLLED ACCESS DOORS FOR THREE (3) COUNTY BUILDINGS – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Purchasing Department, stated 52 vendors downloaded the specifications, one (1) bid was received, and staff will make a recommendation on October 14, 2020.

3) PRESENT BID #B2000184, ARMORED CAR SERVICES – ACCOUNTING DEPARTMENT AND TREASURER'S OFFICE: Mr. Turf stated three (3) vendors downloaded the specifications, but staff received only one (1) bid, as one (1) bid was incomplete, and will make a recommendation on October 14, 2020.

NEW BUSINESS:

1) CONSIDER 2020-2021 LOW-ENERGY ASSISTANCE PROGRAM (LEAP) OUTREACH INCENTIVE PROGRAM AGREEMENT AND DELEGATE AUTHORITY TO DIRECTOR OF DEPARTMENT OF HUMAN SERVICES TO SIGN AND ELECTRONICALLY SUBMIT: Jamie Ulrich, Director of the Department of Human Services, detailed the agreement allows the development and implementation of the LEAP outreach campaign. Commissioner James moved to approve said agreement and delegate authority to Ms. Ulrich to sign and electronically submit. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

2) CONSIDER CONTRACT ID #4118 LOCAL WORKFORCE AREAS AGREEMENT FOR SERVICES FOR CROSS REGIONAL TECHNICAL ASSISTANCE AND TRAINING AND AUTHORIZE CHAIR TO SIGN – ARAPAHOE COUNTY: Ms. Ulrich shared the agreement provides cross regional technical assistance and training for businesses and job seekers by including hiring and training events. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

3) CONSIDER CONTRACT ID #4124 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – STEPHANIE WEISDORFER: Ms. Ulrich introduced the new foster care provider in Eaton, Colorado. Commissioner Ross moved to approve said contract and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

4) CONSIDER CONTRACT ID #4126 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – STEPHANIE WEISDORFER: Ms. Ulrich presented the new respite care provider in Eaton, Colorado. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. Commissioner Kirkmeyer seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT ID #4125 2021-2023 COMMUNITY SERVICES BLOCK GRANT (CSBG) PROGRAM APPLICATION AND PLAN AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich summarized the three-year plan for the grant to assist low-income residents with emergency case management and employment support services. The motion to approve said application and authorize the Chair to sign was made by Commissioner James, seconded by Commissioner Moreno, and it carried unanimously.

6) CONSIDER BOARD OF COUNTY COMMISSIONERS TO ADJOURN AS BOARD OF EQUALIZATION FOR CALENDAR YEAR 2020: Commissioner Kirkmeyer moved to approve said Resolution. The motion was seconded by Commissioner Ross and it carried unanimously.

7) CONSIDER CONTRACT ID #4114 AGREEMENT FOR MATERIALS OR EQUIPMENT FOR RECYCLED CONCRETE AND ASPHALT PRODUCT AND AUTHORIZE CHAIR TO SIGN – BUCKLEN EQUIPMENT COMPANY: Jay McDonald, Director of the Department of Public Works, shared staff's recommendation to select Bucklen Equipment Company as the sole source vendor to complete the remaining 2020 resurfacing and stabilization projects on County gravel roads. He explained the original supplier, Henderson Recycle, was unable to meet the quantity demand. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

8) CONSIDER INSTALLATION OF TRAFFIC REGULATORY SIGNS ON CRS 31 AND 98: Cameron Parrott, Department of Public Works, stated the County shares jurisdiction of the Town of Nunn's border roads at County Road (CR) 31 to the east and CR 98 to the south, and detailed the Town of Nunn requested to install new 35 mph speed limit signs on CR 31 and 45 mph signs on CR 98 to ensure the safety of the traveling public prior to their annexation efforts. Furthermore, he included the Town of Nunn agreed to increase the speed limit signs on CR 29, which is currently in their jurisdiction, posting it at 45 mph. Responding to Commissioner Kirkmeyer, Elizabeth Relford, Deputy Director of the Department of Public Works, stated the petitions for annexation of CRs 31 and 98 have been drafted and are currently being reviewed for placement on the Board's agenda. In response to Commissioner Ross, Ms. Relford shared the speed limit sign alterations will become consistent with municipal requirements, rather than County requirements, and will not impede on the public's safety. Commissioner Kirkmeyer recommended delaying the speed limit sign installation until after the annexation agreements are approved and Chair Freeman stated, if the Board does so, it is not guaranteed the Town of Nunn will raise the speed limit signs on CR 29, as it is not a requirement once it is in their jurisdiction. In response, Commissioner Kirkmeyer suggested installing the speed limit signs on CRs 31 and 98 on the same day the Town of Nunn installs the signs on CR 29. Commissioner Kirkmeyer moved to amend said Resolution to alter the sign installation date. The motion was seconded by Commissioner Ross, and it carried unanimously. Commissioner Kirkmeyer then moved to approve said Resolution, as amended. Commissioner James seconded the motion and it carried unanimously.

9) FIRST READING OF CODE ORDINANCE #2020-17, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 8 PUBLIC WORKS, OF THE WELD COUNTY CODE (*TRANSPORTATION PLAN*): Evan Pinkham, Department of Public Works, shared the transportation plan map provides a coordinated county-wide plan, including regional transportation partnerships and arterial roadway goals. He further reviewed the 2045 Transportation Plan update process, beginning in August 2019, and presented the future traffic predictions and needs, thus implementing a freight corridor map into the plan. Mr. Pinkham shared the updated functional classification map, which reserves a certain amount of future right-of-way for each classification, modifying the classifications of CRs 1, 6, 19, 35, and 66, to become arterial roadways, downgrading CRs 3, 5, 28, 37, and 47, to collector roadways, and altering CRs 18, 51, and 59, to paved local roadways. Mr. Pinkham also explained the O Street Alignment Project was removed from the plan, while the I-25 Parallel Alignment project was added. He shared additional alterations to the 2045 Transportation Plan include an updated traffic demand model, weather station information, snow removal operations, an access control plan, and an updated project list. Chair Freeman, Commissioner Ross, and Commissioner Kirkmeyer commended Mr. Pinkham and staff for their diligence in improving the County's roadways and in protecting agricultural land practices. No public input was provided. Commissioner Kirkmeyer moved to approve said Code Ordinance #2020-17 on First Reading. The motion was seconded by Commissioner Ross and it carried unanimously.

PLANNING:

1) CONSIDER APPLYING PENDING ORDINANCE DOCTRINE TO CODE ORDINANCE #2020-16: Bob Choate, Assistant County Attorney, stated the Resolution formally applies the pending ordinance doctrine, related to Code Ordinance #2020-16, to be effective on October 21, 2020, or Second Reading, and directs staff to no longer accept applications the Code no longer supports. Tom Parko, Director of the Department of Planning Services, clarified the doctrine does not circumvent the Ordinance's three reading process and reviewed the remaining application types to be implemented by the Ordinance. Commissioner Kirkmeyer moved to approve said Resolution and the motion was seconded by Commissioner Ross. Upon a roll call vote, the motion carried four to one with Commissioner James being opposed.

2) CONSIDER ZONING PERMIT FOR HOME OCCUPATION – CLASS II BUSINESS PERMIT, ZPHB20-0004, FOR A HOME OFFICE WITH TWO (2) LINE PUMPS ON TRAILERS – CARLOS LOYA-PACHECO AND RUTH LOYA: Angela Snyder, Department of Planning Services, summarized the property location and clarified the various zoning permit types, as well as the zoning permit operational standards. She shared more than 30% of surrounding property owners submitted letters of objection, which is grounds for denial by staff and she reviewed the seven (7) criteria of approval of a zoning permit for a home occupation. Furthermore, Ms. Snyder stated a letter of support was received from the neighborhood's Homeowner's Association (HOA). In response to Commissioner James, Ms. Snyder confirmed the HOA has a Declaration of Covenants, Conditions, and Restrictions (CC&R) filed with the Clerk and Recorder, stating this type of use is not permitted, yet their HOA approved it.

Melissa King, Department of Public Works, presented the parcel has one (1) existing, unpermitted residential access and one (1) proposed commercial access, which does not meet minimum spacing requirements, and she detailed the application indicated the vehicles with two (2) line pumps on trailers will leave the property in the morning and return in the evening. Responding to Commissioner Kirkmeyer, Ms. Snyder and Ms. King discussed residential access permits were not required to be recorded on any plats at the time they were created, but are now required in accordance with the current Code. In response to Commissioner James, Bruce Barker, County Attorney, stated it is not in the Board's interest to enforce a HOA's CC&R, even if it is filed with the plat, while Commissioner Kirkmeyer suggested pursuing Commissioner James' request in order to resolve the compatibility issue. Responding to Commissioner Ross, Ms. Snyder shared staff received a letter from the HOA denying the architectural design for the building permit application and a separate letter approving the request to park the line pump vehicles.

Ruth Loya, applicant, summarized the home occupation and the request to store two (2) line pumps on separate trailers on the premises, sharing there are many other home offices within the neighborhood. Carlos Loya-Pacheco, applicant, assured the line pumps are not operated at the home property and he is not attempting to alter his property from a residential to a commercial status; his sole request is to park the trailers on the property when they're not in use.

Mel Bickling, surrounding property owner (SPO), presented an event timeline regarding the property's garage construction plans to house the line pumps and he argued the applicants are conducting illegal cement operations out of their home, as the HOA does not allow for such practices. He stated employees routinely arrive at the property each morning, the lot size is incompatible with the necessary requirements to store two (2) vehicles, and the HOA needs to vote to allow parking of the line pump trailers. In response to Commissioner Kirkmeyer, Mr. Bickling confirmed other homeowners drive their commercial vehicles to work from their home, but the vehicles are stored off-site and he is unsure why the president of the HOA sent an approval letter.

Dale Tennial, SPO, presented photos and expressed concerns regarding the well-being of the neighborhood, noise concerns from equipment operation during the evening, and road maintenance concerns because there is only one (1) access to the subdivision. Responding to Commissioner Moreno, Mr. Tennial confirmed his awareness of the approval letter from the HOA president, but stated she had no authority to send it.

Tammy Brown, SPO, shared a letter on behalf of her neighbor Mr. Chu, stating the Loya's are respectful, responsible neighbors who created an aesthetically pleasing and well-maintained landscape design, and do not generate excess noise. She claimed the HOA is unethically targeting the applicants, as many other residents park company vehicles in their driveways.

John Wallace, SPO, requested the matter be denied due to its incompatibility with the surrounding area and its lack of harmony with neighbors, while he displayed various photos of the property's business-like activities. In response to Commissioner Kirkmeyer, Mr. Wallace stated it is acceptable to park a work vehicle on one's property, but argued further operations are occurring.

Cynthia Aab, SPO, expressed concerns with the neighborhood turning into an industrial area and with the vapor fumes emitted from the vehicles. Ms. Aab stated the line pumps have not been on the property for the past two (2) weeks, assuming there must be an alternative place to store them.

In response to Monte Strotheide, Johnstown resident, Chair Freeman stated the commercial zoning permit is not permanent or transferable to a new landowner and Mr. Barker clarified the permit, as written, does not currently specify which two (2) vehicles are allowed to park on the property. Mr. Strotheide stated very few children live in the neighborhood, neighbors only see the machines leaving in the morning and returning in the evening, they are only left running long enough to allow the turbo engine to cool down, and no other traffic is seen coming through the neighborhood throughout the day. He clarified he has no issue with the applicants parking the vehicles on the property, as his letter of opposition was in regard to the garage plans.

Jay Overholt, SPO, summarized his opposition to the proposed use, as it may lead to increased commercial activity and permit additional parking of construction vehicles.

Ms. Loya reviewed there are approximately five (5) children total in the neighborhood and assured there are only two (2) employees of the business: her husband, Carlos, and her nephew. She detailed the various businesses operated within the subdivision, which store vehicles and equipment, such as skidsteers and cranes, yet no other resident has to go through this process. In response to Commissioner Moreno, Mr. Loya-Pacheco clarified the photo of the crane presented as an exhibit by one of his neighbors during the public comment portion of the hearing, is not a machine he owns and is stored on someone else's property.

Responding to Commissioner Kirkmeyer, Ms. Snyder confirmed the applicants are not running a business out of their home, there are no regulations against diesel trucks, and the permit is only necessary to approve the trailers that the line pumps are stored on. In response to Commissioner Moreno, Ms. Snyder stated the home office is included in the permit request because their home address would appear on the Colorado Secretary of State registration as the business address. Commissioner James stated neighborhood disputes should not be brought before the Board, as they are a matter for the HOA; the Board merely follows the County Code, which allows the applicants to park no more than two (2) commercial vehicles on the property. Mr. Barker shared a permit is required for the home occupation, which includes the parking of two (2) vehicles and is not a separate matter. Commissioner Kirkmeyer recommended defining the commercial vehicles to read "two (2) line pumps on trailers" and removing the signage requirements. The motion to approve said zoning permit, with the revisions as discussed, was made by Commissioner James, seconded by Commissioner Kirkmeyer, and it carried unanimously.

3) FIRST READING OF CODE ORDINANCE #2020-13, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 22 COMPREHENSIVE PLAN, OF THE WELD COUNTY CODE: Mr. Parko detailed the timeline of the Comprehensive Plan to update various goals and guidelines. He summarized the removal of staff's strategic plan, regional urbanization areas (RUA), and the transportation plan, while sharing the additions include the recreation and tourism element, the new comprehensive plan map with opportunity zones, and a subarea planning guide. Mr. Parko presented the public outreach efforts and survey results, recommended updating the plan annually, and thanked the Board and staff for their determination.

Bill Jerke, Weld County Farm Bureau representative, addressed the importance of public input and outreach, specifically the correspondence from Stan Everett, Weld County resident, and suggested

including individuals who are in support of personal property rights in the comprehensive plan update process in order to achieve a bottom-up approach. Mr. Jerke requested a method to replace RUAs to satisfy various needs for the Planned Unit Development (PUD) processes and guidelines for Recorded Exemptions on family farms. In response to Commissioner James, Mr. Jerke suggested a bottom-up approach would include a greater attention to future urban-scale development planning.

Thomas Haren, AGPROfessionals, LLC, representative, expressed the inefficiency of the Comprehensive Plan update process, with staff or the committee preparing the revisions, and the Board reviewing the product, and he suggested greater involvement from all interested parties. Mr. Haren also recommended conducting a second round of public outreach and Commissioner Moreno assured the Board's public communication and transparency throughout the process. Commissioner Ross discussed the process for gaining community feedback and stated he has not witnessed the COVID-19 Pandemic Health Emergency lessening public involvement. Commissioner Kirkmeyer agreed, stating public feedback and involvement from the 1990s through 2020 has not changed and the Board welcomes alternate outreach ideas. Chair Freeman discussed his participation on a radio show once a month in which he shared his diligence in discussing the Comprehensive Plan and other outreach material. Mr. Haren recommended simplifying the language used to provide the public with information and present how the code changes will affect the public . Commissioner Kirkmeyer shared the survey expressed language to cater towards public interest. Responding to Mr. Haren, Commissioner James assured both he and Commissioner Kirkmeyer brainstormed the public outreach language and practices at the start of the code change process. The motion to approve Code Ordinance #2020-13 was made by Commissioner Kirkmeyer and seconded by Commissioner Ross, who each thanked the public for their comments and detailed the public outreach element should not prevent the matter from moving forward. Commissioner Moreno assured there is no hidden agenda to prevent the public from participating in the changes. Upon no further discussion, the motion carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2020-13 and #2020-17 were approved on First 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 12:38 p.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

EXCUSED DATE OF APPROVAL
Mike Freeman, Chair

Weld County Clerk to the Board

Steve Moreno, Pro-Tem

BY: _____
Deputy Clerk to the Board

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross