

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, OCTOBER 5, 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, October 5, 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 – EXCUSED
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 Ross moved to approve the minutes of the Board of County Commissioners meeting of September 30, 2020, as printed. Commissioner James seconded the motion, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Ross moved to approve the Certification of Hearings conducted on September 30, 2020, as follows: 1) USR20-0019 – Lance and Cheryl Messinger. Commissioner Kirkmeyer seconded the motion, which carried unanimously.

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

CONSENT AGENDA: Commissioner James 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 – October 1, and 2, 2020: Commissioner Kirkmeyer moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2000176, TREE DISPOSAL SERVICES – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Purchasing Department, reviewed staff’s recommendation to select Aesthetic Alternative Recycling, the low bidder meeting specifications, for a total of \$35,000.00. Commissioner Kirkmeyer moved to approve said bid, the motion was seconded by Commissioner Ross, and it carried unanimously.

2) RECONSIDER APPROVAL OF BID #B2000169, 35TH AVENUE TOWER SITE EXTERIOR LIGHTING – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf stated Skyline Lighting and Electric, LLC, who was approved on September 16, 2020, identified they would no longer be able to perform the work during the contracting phase; therefore, he shared staff’s recommendation to select the second low bidder who met specifications, C&R Electrical Contractors, LLC, for a total amount of \$33,498.00. Commissioner Kirkmeyer moved to approve said bid, the motion was seconded by Commissioner James, and it carried unanimously.

3) PRESENT BID #B2000183, CLERK AND RECORDER BUILDING SITE WORK – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf stated staff received eight (8) bids and will make a recommendation on October 19, 2020.

NEW BUSINESS:

1) CONSIDER AGREEMENT FOR SERVICES FOR INTERNET AUCTION SERVICES FOR FORECLOSURE PROPERTY SALES AND AUTHORIZE CHAIR TO SIGN – REALAUCTION.COM, LLC: John Lefebvre, Weld County Treasurer and Public Trustee, shared the software enables staff to conduct public trustee foreclosure sales online for a fee of \$59.00 for each file to be paid by the law firm conducting the foreclosure. 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 ANNEXATION AGREEMENT FOR PORTIONS OF CRS 31, 98, AND 100 AND AUTHORIZE CHAIR TO SIGN – TOWN OF NUNN: Bruce Barker, County Attorney, clarified the Resolution approves the petition for an annexation as well as the agreement. Elizabeth Relford, Deputy Director of the Department of Public Works, stated the agreement allows the Town of Nunn to petition for an annexation and fulfill the intergovernmental agreement’s requirements. Commissioner Kirkmeyer moved to approve said annexation agreement and petition and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

3) CONSIDER PURCHASE AND SALE AGREEMENT FOR REAL PROPERTY (PIERCE PIT – W1/2 S7, T8N, R65W) AND AUTHORIZE CHAIR TO SIGN – CLIFF SIMPSON: Mr. Barker shared items number three (3) and four (4) enable Cliff Simpson to purchase the pit and water rights, which is no longer of use to the County, for a total amount of \$100,000.00. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER WATER CONVEYANCE AGREEMENT CONCERNING AJ EATON WATER RIGHTS CONVEYED THROUGH NORTH PIERCE PIT AND AUTHORIZE CHAIR TO SIGN – CLIFF SIMPSON: Mr. Barker explained this allows the County to maneuver the water through the Pierce Pit. Commissioner James moved to approve said agreement and authorize the Chair to sign. Commissioner Kirkmeyer seconded the motion and it carried unanimously.

5) CONSIDER DECLARING CERTAIN EQUIPMENT AS SURPLUS PROPERTY, APPROVE TRANSFER OF SAME TO NORTH COLORADO HEALTH ALLIANCE, AND DELEGATE AUTHORITY TO CONTROLLER TO SIGN ANY NECESSARY DOCUMENTS: Barbara Connolly, Controller, detailed the request to transfer full ownership and responsibility of the Airstream mobile medical vehicle to the North Colorado Health Alliance. The motion to approve said declaration and delegate authority to the Controller to sign any necessary documents was made by Commissioner James, seconded by Commissioner Kirkmeyer, and it carried unanimously.

6) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – GLEN ANSTINE: Commissioner James moved to approve said appointment and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.

PLANNING:

1) CONSIDER RESCINDING OR EXTENDING TIME TO RECORD THE MAP FOR USE BY SPECIAL REVIEW PERMIT, USR18-0073 – MARK SLOAN, AND EVAN AND TARA MARCELLUS (*CONT'D FROM 8/31/2020*): Michael Hall, Department of Planning Services, reviewed the extension request and the applicants' agreement to collaborate and work out a plan for completion. Mark Sloan, applicant, stated he extended an offer to buy out Evan and Tara Marcellus. In response to Commissioner Kirkmeyer, Tara Marcellus, applicant, clarified she requested to attempt mediation to come to a buyout agreement, but there are no solid plans in place to do so or remedies to satisfy the conditions of approval (COA). Mr. Sloan shared the septic system has been started and, responding to Chair Pro-Tem Moreno, he requested an extension in order to record the map and complete the septic system. In response to Commissioners James and Kirkmeyer, Mr. Sloan stated he will seek out mediation. Responding to Commissioner Ross, Ms. Marcellus stated she would like the matter to be rescinded, as they may be headed toward a partition lawsuit and the open Use by Special Review Permit will complicate the lawsuit. Mr. Sloan shared if the matter is rescinded, it removes his chances to build his home on the lot. In response to Commissioner Kirkmeyer, Mr. Hall stated the zoning code violation began in 2016 and, as of now, the only COA they've met is the cleaning and screening of the noncommercial junkyard. The motion to approve rescinding said Resolution was made by Commissioner Kirkmeyer, seconded by Commissioner Ross, and it carried unanimously.

2) FINAL READING OF CODE ORDINANCE #2020-15, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING, AND REPEALING CHAPTER 26 REGIONAL URBANIZATION AREAS, OF THE WELD COUNTY CODE (*I-25 OVERLAY DISTRICT*): Commissioner Kirkmeyer moved to read Code Ordinance #2020-15 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Mr. Barker read the title for the record. Jim Flesher, Department of Planning Services, stated there were no changes between Second and Final Readings. John Howard, Brighton resident, shared his property is involved in the Regional Urbanization Areas (RUA) structural plan and questioned the effect of the Alf Equinox Todd Creek Village North, LLC, Change of Zone to the Planned Unit Development (PUD) Zone District. Mr. Barker directed Mr. Howard to discuss the matter with staff after the hearing, as it does not directly pertain to the ordinance and Commissioner Kirkmeyer shared he needs to apply for a PUD. Commissioner Kirkmeyer moved to approve Code Ordinance #2020-15 on Final Reading. The motion was seconded by Commissioner Ross, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2020-15 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 9:25 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

EXCUSED

Weld County Clerk to the Board

Mike Freeman, Chair

BY: _____

Deputy Clerk to the Board

Steve Moreno, Pro-Tem

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross