

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO NOVEMBER 9, 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, November 9, 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
Clerk to the Board, Esther Gesick
Controller, Barbara Connolly

MINUTES: Commissioner Kirkmeyer moved to approve the minutes of the Board of County Commissioners meeting of November 4, 2020, as printed. Commissioner James seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Ross moved to read Code Ordinance #2020-19 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 November 4, 2020, as follows: 1) USR20-0021 – Glenn and Karen Miller, c/o Andrew Hein, and 2) USR19-0060 – NGL Water Solutions DJ, LLC. Commissioner Ross seconded the motion, which 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 Kirkmeyer seconded the motion, and it carried unanimously.

PUBLIC INPUT: Benjamin Seulean, representative of Congressman Ken Buck, congratulated those who were successful in their re-election campaigns and provided a statement from Congressman Buck's office concerning the recount of all eligible ballots. He also addressed the Saving American History Act which will prohibit federal funds from supporting the 1619 Project in public schools, as it teaches inaccurate historical accounts. Lastly, he spoke concerning the effort to investigate the domestic terroristic acts occurring across the nation in recent months. Mr. Seulean presented Congressman Buck's stance to abolish the Department of Education in order to distribute educational funding directly to the states and

recognized Congressman Buck for earning the FreedomWorks' FreedomFighter Award and the American Conservative Union's Award for Conservative Excellence, as he continues to work diligently on behalf of the citizens of Weld County.

PRESENTATIONS:

1) RECOGNITION OF SERVICES, JUVENILE COMMUNITY REVIEW BOARD – MARIE COCHRON: Chair Freeman read the certificate for the record, recognizing Marie Cochron for her time and commitment to the Juvenile Community Review Board.

2) RECOGNITION OF SERVICES, WELD FAITH PARTNERSHIP COUNCIL – PAM HUNGENBERG AND MICHAEL MATHEWS: Chair Freeman read the certificates recognizing Pam Hungenberg and Michael Mathews for their service on the Weld Faith Partnership Council.

PROCLAMATIONS:

1) APPRENTICESHIP WEEK – NOVEMBER 8-14, 2020: Tami Grant, Deputy Director of the Department of Human Services, recognized the efforts of the Workforce Development Board staff and stated apprenticeship is a proven strategy to improve the workforce, while the Business Services team and the Employment Training Work programs actively work to align statewide registered apprenticeship consultants and develop new County programs. Cecelia Moreno, Department of Human Services, thanked the Board for their support and shared her excitement in bringing apprenticeships to Weld County. The Commissioners, in turn, recognized the value of skilled tradesmen, apprenticeships, and the successful utilization of the Bright Futures funding to provide the public with the necessary resources to create the American Dream. Dwight Steele, Board member, shared his long-standing participation in employment training, recognized the importance of the workforce efforts, and thanked the Commissioners. *(Clerk's Note: the group gathered for a photo opportunity).*

WARRANTS:

1) GENERAL WARRANTS – NOVEMBER 6, 2020: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

2) COMMISSIONER WARRANTS – NOVEMBER 6, 2020: Commissioner Moreno moved to approve the Warrant for Commissioner Kirkmeyer, as printed. Commissioner Ross seconded the motion, and it carried unanimously, with Commissioner Kirkmeyer recused from the vote.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #4231 RECRUITMENT AND RETENTION LOCAL INNOVATION FUND GRANT APPLICATION AND AUTHORIZE DEPARTMENT OF HUMAN SERVICES STAFF TO SIGN: Jamie Ulrich, Director of the Department of Human Services, stated the \$5,000.00 will fund meals for an appreciation event held to increase foster parent retention. Commissioner Kirkmeyer moved to approve said grant application and authorize the Department of Human Services staff to sign. Seconded by Commissioner Ross, the motion carried unanimously.

2) CONSIDER CONSENT TO ENFORCEMENT OF 2018 INTERNATIONAL FIRE CODE, WITH AMENDMENTS, WITHIN CERTAIN AREAS OF UNINCORPORATED WELD COUNTY LYING WITHIN PLATTE VALLEY FIRE PROTECTION DISTRICT: Jose Gonzales, Department of Building Inspection, presented the modifications to the 2018 International Fire Code for enforcement and stated Ryan Buderous, Platte Valley Fire Protection District, was present to answer questions. Commissioner Moreno moved to consent to said enforcement. The motion was seconded by Commissioner James, and it carried unanimously.

3) CONSIDER RENEWAL APPLICATION FOR HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – COL-BARB, LLC, DBA MAGGI'S KITCHEN: Bob Choate, Assistant County Attorney, detailed the property location and stated no concerns were received through the referral process. Commissioner James moved to approve said renewal application and authorize the Chair to sign, which was seconded by Commissioner Ross, and it carried unanimously.

4) CONSIDER RENEWAL APPLICATION FOR HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE WITH ONE (1) OPTIONAL PREMISES AND AUTHORIZE CHAIR TO SIGN – RNR, LLC, DBA MCCARTY'S AT EATON COUNTRY CLUB: Mr. Choate detailed the property location and stated no concerns were received from the referral agencies. Commissioner Ross moved to approve said renewal application and authorize the Chair to sign, which was seconded by Commissioner Kirkmeyer, and it carried unanimously.

5) CONSIDER REVISIONS TO BYLAWS, PROCEDURES, AND CRITERIA FOR JUVENILE COMMUNITY REVIEW BOARD: Bruce Barker, County Attorney, stated the revisions include language to adhere to each member's specialization. Commissioner Kirkmeyer moved to approve said revised bylaws. Commissioner James seconded the motion, and it carried unanimously.

6) CONSIDER REAPPOINTMENTS AND APPOINTMENT TO JUVENILE COMMUNITY REVIEW BOARD: Commissioner Kirkmeyer moved to approve said reappointments and appointment. Commissioner James seconded the motion, and it carried unanimously.

7) CONSIDER APPOINTMENT TO EXTENSION ADVISORY COUNCIL: Commissioner James moved to approve said appointment. Commissioner Ross seconded the motion, and it carried unanimously.

8) CONSIDER APPOINTMENT TO AREA AGENCY ON AGING ADVISORY BOARD: Commissioner Ross moved to approve said appointment. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

9) CONSIDER REAPPOINTMENTS TO WELD FAITH PARTNERSHIP COUNCIL: Commissioner Moreno moved to approve said reappointments. Commissioner James seconded the motion, and it carried unanimously.

10) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – DANIEL SKELTON: Commissioner Kirkmeyer moved to approve said appointment and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

11) FIRST READING OF CODE ORDINANCE #2020-19, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 5 REVENUE AND FINANCE, OF THE WELD COUNTY CODE (*ANNUAL FEES*): Mr. Barker presented the modification to various fees and Commissioner Kirkmeyer stated no changes were made after the budget work sessions. No public input was provided. Commissioner James moved to approve Code Ordinance #2020-19 on First Reading. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

12) FINAL 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*): Commissioner Kirkmeyer moved to read Code Ordinance #2020-17 by title only. The motion was seconded by Commissioner Ross, and it carried unanimously. Mr. Barker read the title for the record. Evan Pinkham, Department of Public Works, summarized the previous version, adopted in 2011, and reviewed changes made to the Functional Classification Map, assuring the online GIS portal will be updated upon approval of Final Reading. In response to Commissioner Kirkmeyer, Mr. Pinkham confirmed the modification to the O Street corridor agreed upon during discussions with the

Town of Windsor and City of Greeley has been included. No public testimony was offered concerning this matter. Commissioner Moreno moved to approve Code Ordinance #2020-17 on Final Reading. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

PLANNING:

1) CONSIDER REQUEST TO TEMPORARILY EXTEND THE HOURS OF OPERATION FOR AMENDED USE BY SPECIAL REVIEW PERMIT, AMUSR-1102, FOR MINERAL RESOURCE DEVELOPMENT INCLUDING OPEN PIT MINING AND MATERIALS PROCESSING (SAND, GRAVEL AND STONE), INCLUDING CONCRETE AND ASPHALT RECYCLING AND A CONCRETE AND ASPHALT BATCH PLANT FACILITY IN THE A (AGRICULTURAL) ZONE DISTRICT – L.G. EVERIST, INC.: Tom Parko, Director of Planning Services, presented the request to extend the mining hours of operation in Development Standard (DS) #23 to accommodate overnight construction activities for an Interstate 25 (I-25) project from November 9, 2020, through November 13, 2020. Responding to Commissioner Kirkmeyer, Mr. Parko confirmed the Use by Special Review (USR) permit is in good standing. Commissioner James moved to approve said request. Commissioner Ross seconded the motion, and it carried unanimously.

2) FINAL READING OF CODE ORDINANCE #2020-13, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 22 COMPREHENSIVE PLAN, OF THE WELD COUNTY CODE: Commissioner Kirkmeyer moved to read Code Ordinance #2020-13 by title only. The motion was seconded by Commissioner Ross, and it carried unanimously. Mr. Barker read the title for the record. Mr. Parko reviewed various alterations to the language, such as stating “should” instead of “shall” in Section 22-2-30.A.1 and replacing “Opportunity Zones” with “Weld County Opportunity Zones,” as well as sharing the replacement of the map under Appendix 22-D.

Bill Jerke, LaSalle resident, submitted a letter from Jack Reitzel, Beebe Draw Farms Metropolitan District representative, suggesting further review of the Comprehensive Plan with key stakeholders to prevent various ramifications, and a redlined document noting suggested changes. He expressed concerns with language that may prevent the ability for properties to expand within current Metropolitan Districts and he shared the desire to ensure further flexibility for development as dynamics, population, and water law change. In response to Commissioner Ross, Mr. Jerke stated Mr. Reitzel did attend the additional public meeting held after Second Reading, which led to his comments and concerns detailed in the presented letter. Responding to Commissioner James, Mr. Jerke referred to the redlined document and stated items #B.3 and #B.4 might need to remain separate to ensure protections are prohibitive of ongoing agricultural and urban scale development. In further analysis of the redlined document, Commissioner Kirkmeyer stated revised #4 to recognize new master plan developments is not an urban development in urban areas and clarified the distinction between the Comprehensive Plan as future development guidelines and the Subdivision or Zoning regulations as guidelines for current land uses. She shared the current #3 has been consistent with the intent of the Comprehensive Plan since 1988, and the proposed #C.8 is unnecessary in the Comprehensive Plan, as similar language exists in Chapter 24 to allow amended and compatible Planned Unit Developments (PUD). Commissioner Kirkmeyer moved to approve Code Ordinance #2020-13 on Final Reading. Commissioner James seconded, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2020-19 was approved on First Reading and Code Ordinances #2020-17 and #2020-13 were 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 9:40 a.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