

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, DECEMBER 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, December 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 James moved to approve the minutes of the Board of County Commissioners meeting of December 7, 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 – DECEMBER 8, 2020: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER TEMPORARY PERMIT FOR A RETAIL LIQUOR STORE (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – CROW VALLEY, LTD., DBA CROW VALLEY LIQUORS: Bob Choate, Assistant County Attorney, stated this temporary permit will allow the new owner to continue operating under the existing license while the Transfer of Ownership application is being processed. He stated the liquor store is located near Briggsdale, the new owner successfully completed a background check, and no concerns were noted in the referral responses. He explained the Transfer of Ownership only considers the good moral character of the applicant, since there is no change in the neighborhood. Robert Eckhoff, applicant, was present to answer any questions. Commissioner James moved to approve

said temporary permit and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

2) CONSIDER CONTRACT ID #4259 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – RYAN RUTLEDGE AND CASEY CRAWFORD: Jamie Ulrich, Department of Human Services, presented the new foster care home located in Severance, Colorado. Commissioner Kirkmeyer moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

3) CONSIDER CONTRACT ID #4261 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JONATHAN AND LINDSEY SEITZ: Ms. Ulrich recommended approval of the new foster care home located in Greeley, Colorado. Commissioner Kirkmeyer moved to approve said contract and authorize the Chair to sign, which was seconded by Commissioner James, and it carried unanimously.

4) CONSIDER CONTRACT ID #4269 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – MELISSA KNUTSON: Ms. Ulrich stated this contract is for a new foster care home in Windsor, Colorado. The motion to approve said contract and authorize the Chair to sign was made by Commissioner Ross, seconded by Commissioner Kirkmeyer, and it carried unanimously.

5) CONSIDER CONTRACT ID #4272 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JOHANNA ARCE: Ms. Ulrich presented the new foster care home located in Greeley, Colorado. Commissioner Moreno moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

6) CONSIDER CONTRACT ID #4262 AGREEMENT FOR PROFESSIONAL SERVICES AND AUTHORIZE CHAIR TO SIGN – LIVE THE VICTORY, INC., DBA THE MATTHEWS HOUSE: Ms. Ulrich stated, under the terms of this agreement, the vendor will provide pre-certification for foster and kinship parents using the National Training and Development Curriculum. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

7) CONSIDER CONTRACT ID #4264 MEMORANDUM OF UNDERSTANDING FOR APPRENTICESHIP STATE EXPANSION (ASE) GRANT FUNDS AND AUTHORIZE CHAIR TO SIGN – ARAPAHOE COUNTY: Ms. Ulrich explained the purpose of this MOU is to collectively place 800 new apprentices into positions by March 31, 2022. Commissioner James moved to approve said memorandum of understanding and authorize the Chair to sign, which was seconded by Commissioner Moreno, and it carried unanimously.

8) CONSIDER CONTRACT ID #4282 MEMORANDUM OF UNDERSTANDING AMENDMENT #2 FOR STATE APPRENTICESHIP EXPANSION (SAE) GRANT FUNDS AND AUTHORIZE CHAIR TO SIGN – ARAPAHOE COUNTY: Ms. Ulrich stated this amendment will extend the term for use of the SAE grant funds through May 31, 2021. The motion to approve said memorandum of understanding and authorize the Chair to sign was made by Commissioner Kirkmeyer, seconded by Commissioner Ross, and it carried unanimously.

9) CONSIDER CONTRACT ID #4266 UNIVERSAL MEMBERSHIP / WORK NUMBER AGREEMENT FOR EQUIFAX VERIFICATION SERVICES AND AUTHORIZE CHAIR TO ELECTRONICALLY SIGN

AND SUBMIT: Ms. Ulrich stated this agreement will allow access to the Equifax Verification Services for the Work Number which is issued to verify income and determine employment eligibility. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

10) CONSIDER CONTRACT ID #4257 WORK PLAN TEMPLATE, ANNUAL PROGRAM PAPER, AND APPLICATION FOR 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) AND LOCAL EMERGENCY MANAGER SUPPORT (LEMS) PROGRAM FUNDING AND AUTHORIZE CHAIR TO SIGN: Roy Rudisill, Director of the Office of Emergency Management, presented the application, in the amount of \$76,000.00, which represents approximately 15% of the overall department budget and, if awarded, will be used to support training, exercise planning and general OEM programs. Commissioner Kirkmeyer moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

11) CONSIDER CONTRACT ID #4288 AGREEMENT FOR PURCHASE OF PRIVATE PROPERTY FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 41 AND 66 AND AUTHORIZE CHAIR TO SIGN NECESSARY DOCUMENTS – RAY HUNT: Clay Kimmi, Department of Public Works, stated this agreement authorizes the purchase of the Hunt property, located in the northwest corner of the intersection, which is necessary to complete the designed improvements. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

12) CONSIDER CONTRACT ID #4299 MANDATORY CONTRACT PROVISION AGREEMENT AND EQUIPMENT RENTAL AGREEMENTS FOR TWO (2) 40-TON HAUL TRUCKS AND AUTHORIZE CHAIR TO SIGN – 4 RIVERS EQUIPMENT: Jay McDonald, Director of the Department of Public Works, presented the need to rent two 40-ton haul trucks for reclamation and hauling activities at county gravel pits. Commissioner Moreno moved to approve said agreements and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

PLANNING:

1) CONSIDER AMENDED RECORDED EXEMPTION, RECX16-0061 – RYAN AND HEATHER HEILAND, AND ANTHONY AND LORI SANCHEZ: Michael Hall, Department of Planning Services, reported staff is working to complete or close out outstanding exemption cases which were conditionally approved by staff between 2016 and 2019. He stated 14 applications were identified, eight (8) have been withdrawn, and staff sent letters to the remaining six (6) property owners advising them of the steps to proceed with a completion deadline of October 22, 2020, or withdraw their applications, in accordance with Section 24-8-60 of the Weld County Code. Mr. Hall reviewed the outstanding items specific to Amended RECX16-0061, which have recently been addressed, stating the draft plat needs to be reviewed by staff and then recorded. He stated there are extenuating circumstances related to the case, explaining the case was submitted by Lane Walter and Lots A and B were subsequently sold via Deed, thus the current owners were unaware that the conditions had not been completed, nor the plat recorded. He stated each of the current owners have expressed their intent to complete the conditions and are seeking an extension of time. Mr. Hall displayed a map depicting the lot line adjustments to expand the size of Lot A. Ryan and Heather Heiland, co-applicants, were present and requested the opportunity to finalize the process. In response to Commissioner Kirkmeyer, Mr. Hall confirmed Conditions of Approval #2.A and #2.B (CDOT access permit) have been completed, and the draft plat has been received for review by staff. Responding to Commissioner Kirkmeyer, Mr. Barker explained because the conditions have been met, the proper motion would be to approve with the conditions outlined by staff. Commissioner Kirkmeyer moved to approve Amended RECX16-0061 for Ryan and Heather Heiland (owners of Lot A) and Anthony and Lori Sanchez (owners of Lot B) with the Conditions of Approval as presented. Commissioner Moreno seconded the motion, and it carried unanimously.

2) CONSIDER RECORDED EXEMPTION, RECX17-0110 – WILLIAM AND ADRIANN WYCOFF: Mr. Hall stated RECX17-0110 was conditionally approved by staff on July 31, 2017; however, Conditions of Approval (COA) #2.A (shared well agreement), #2.B (Colorado Division of Water Resources requirements), #2.C (school district referral), #3 and #5 (plat requirements) remain outstanding. He stated there has been limited action to complete the remaining items; however, following the recent notification letters, the property owner has expressed his intent to complete the process and record the plat, despite extenuating circumstances concerning the shared well agreement. He displayed an aerial map and reviewed the location of the site. Bill Wycoff, property owner, was present via teleconference and detailed the personal reasons resulting in delay of the project completion and further explained COA #2.A has been a challenge because the recorded shared well agreement requires acknowledgment by the adjacent land owner to gain approval by the State Engineer; however, the property has been sold four times throughout this exemption process. Mr. Wycoff stated COA #2.B will be done once #2.A is complete, #2.C can be done by the end of the week, and COA #3 and #5 both involve survey work which is done, and the plat is near completion. In response to Chair Freeman, Mr. Wycoff indicated the primary issue remains obtaining an acknowledgement signature by the new owners who have not moved in yet, so it is difficult to determine a specific amount of time to complete, but if the matter goes to court, it could take up to six months. Commissioner Kirkmeyer moved to approve RECX17-0110, with the COA to be completed by December 8, 2021, and added further instruction to the applicant to notify the County prior to the set date if a further extension is required due to court delays. Commissioner Ross seconded the motion, and it carried unanimously.

3) CONSIDER RECORDED EXEMPTION, RECX18-0090 – TODD AND LISA ARNOLD: Mr. Hall stated RECX18-0090 was administratively approved by staff on August 13, 2018, and to-date, the applicants have not completed Conditions of Approval (COA) #5.A (private access agreement), #5.B (Colorado Division of Water Resources well repermitting requirements), #5.C (RE-9 school district referral), #5.D (non-commercial junkyard zoning violation), #6 and #8 (draft plat requirements). He indicated limited action has been taken, and following the notification letters, no contact has been received. Mr. Hall displayed an aerial map and a site drawing showing the proposed lot split. Chair Freeman confirmed the applicants were not present and Mr. Barker stated they are not required to be present for the Board to act on the matter. Commissioner Ross moved to deny Recorded Exemption, RECX18-0090, based on the lack of evidence to demonstrate an intent to complete the Conditions of Approval. Commissioner James seconded the motion, and it carried unanimously.

4) CONSIDER RECORDED EXEMPTION, RECX19-0018 – BRIAN AND CAROLINE COHOON: Mr. Hall stated RECX19-0018 was administratively approved on April 8, 2019, but to-date, the applicants have not completed Conditions of Approval (COA) #2.A (vacate USR permit for second home), #2.B (adequate water source), #2.C and #2.D (Environmental Health septic requirements), #2.E (Fort Lupton Fire Protection District referral), #2.F (Colorado Division of Water Resources well repermitting requirements), #2.G (Farmers Reservoir and Irrigation Company referral), #3 and #5 (draft plat requirements). He confirmed limited action has been taken by the property owners to complete the process; however, following receipt of the notification letters, staff was contacted by Brian Cohoon and his representative, Martin Towell, who expressed their intent to complete the application. Mr. Hall displayed an aerial map of the site and surrounding area. Martin Towell, father of Caroline Cohoon, represented the property owners and explained there are extenuating circumstances caused by pending divorce proceedings; however, they have recently determined Ms. Cohoon will retain the property and she is requesting a six (6)-month extension to complete the outstanding items. In response to Commissioner Kirkmeyer, Mr. Towell confirmed they submitted the application to FRICO to obtain an easement and seepage agreement which will grant access along the ditch access road, and they are waiting for the mortgage company to sign off, which is estimated to take three (3) months. He further stated they do have an executed agreement with FRICO to improve the access road. Commissioner Kirkmeyer moved to

approve RECX19-0018, with the COA to be completed by June 9, 2021, and added further instruction to the applicant to notify the county prior to the set date if a further extension is required. Commissioner Ross seconded the motion, and it carried unanimously.

5) CONSIDER AMENDED RECORDED EXEMPTION, RECX17-0173 – ROBERT AND CANDICE PITTINGTON, JR.: Mr. Hall stated this case was processed in conjunction with Subdivision Exemption, SUBX17-0023 (see item #6 below), in order to complete a lot line adjustment. He indicated the Pittingtons have not completed RECX17-0173 Conditions of Approval (COA) #4 and #6 (draft plat submittal requirements), and the Ericksons have not completed SUBX17-0023 COA #4.A (Colorado Division of Water Resources well repermitting requirements), #5 and #7 (draft plat submittal requirements). Mr. Hall stated subsequent to sending the notification letters, the Ericksons expressed their intent to complete the process; however, staff has not been contacted by the Pittingtons. He displayed an aerial image of the lots and reiterated the applications were processed concurrently to accomplish a lot line adjustment. Heather Erickson, applicant, explained the lot line adjustment will ensure the existing barn remains with the original homestead, and they plan to purchase more land from the Pittingtons in the future and would prefer to not pay for the cost of a mylar until all of the land transactions are complete. Mr. Hall stated a mylar is typically required as part of the survey, and responding to Commissioner Kirkmeyer, he explained the lots will be locked from any future permit reviews if the applicants transfer the land via a Quit Claim Deed without completing the necessary platting process. Benjamin Erickson, applicant, explained they have paid for everything to-date, and they anticipate purchasing more land, in 2023, once the private lien is cleared on the Pittington's land. He added they currently own the 0.18 acres under contract. Mr. Barker agreed with staff that in order to accomplish the additional lot line adjustments, the matter would have to be extended to 2023. Commissioner Kirkmeyer moved to approve RECX17-0173, with the COA to be completed by December 6, 2023, and added further instruction to the applicants to notify the County prior to the set date if a further extension is required. Commissioner James seconded the motion, and it carried unanimously.

6) CONSIDER RESCINDING SUBDIVISION EXEMPTION, SUBX17-0023 – BENJAMIN AND HEATHER ERICKSON: Based on testimony above, Commissioner Kirkmeyer moved to approve SUBX17-0023, with the COA to be completed by December 6, 2023, and added further instruction to the applicants to notify the County prior to the set date if a further extension is required. Commissioner Ross seconded the motion, 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 9:54 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