

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, DECEMBER 16, 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 16, 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 December 14, 2020, as printed. Commissioner James seconded the motion, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Kirkmeyer moved to approve the Certification of Hearings conducted on December 14, 2020, as follows: 1) Annual Meeting and Final 2021 Budget for Beebe Draw Law Enforcement District Authority Board, 2) Annual Meeting and Final 2021 Budget for Weld County Pioneer Community Law Enforcement Authority District, 3) Annual Meeting and Final 2021 Budget for Southwestern Weld County Law Enforcement District Authority Board, and 4) 2021 Final Budget Hearing. Commissioner Ross seconded the motion, which carried unanimously.

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

CONSENT AGENDA: Commissioner Ross moved to approve the Consent Agenda, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

PUBLIC INPUT: Steve Teets, Greeley resident, referenced a news article, published November 18, 2020, regarding local school closures as a result of the COVID-19 Pandemic, and expressed frustration with contradictions in the regulations concerning business operations, sporting events, religious gatherings, etcetera. Chair Freeman explained the schools have independent elected boards who are making decisions for their areas; however, he agreed the governmental regulations have unfairly affected certain businesses.

PRESENTATIONS:

1) RECOGNITION OF SERVICES, DEPARTMENT OF PLANNING SERVICES – JOHNNY ROBERTS: Chair Freeman read the certificate for the record. Tom Parko, Director of the Department of Planning Services, stated Mr. Roberts has provided quality building inspection service to a large area of the County in his 25 years of employment with Weld County and his institutional knowledge is going to be greatly missed. Mr. Roberts shared he has loved his time working with the County and is now looking forward to his retirement and spending time with his family. The Commissioners expressed their appreciation of his dedication to quality work and wished him well in his retirement. *(Clerk's Note: The group gathered for a photo opportunity.)*

2) RECOGNITION OF SERVICES, HUMAN SERVICES ADVISORY COMMISSION – PRES MONTOYA: Chair Freeman read the certificate recognizing Pres Montoya for two (2) years of voluntary service.

3) RECOGNITION OF SERVICES, GREELEY-WELD COUNTY AIRPORT AUTHORITY – RON BLAND: Chair Freeman read the certificate recognizing Mr. Bland for eight (8) years of voluntary service.

4) RECOGNITION OF SERVICES, WELD COUNTY BUILDING CODE BOARD OF APPEALS – JASON BAKER: Chair Freeman read the certificate recognizing Mr. Baker for four (4) years of voluntary service.

5) RECOGNITION OF SERVICES, WORKFORCE DEVELOPMENT BOARD – DWIGHT STEELE, DAVID THOMPSON, GEOFFREY HERRIG, GREG FARRIS, JOSHUA JOHNSON, AND RYAN ROSE: Chair Freeman read the certificates recognizing each individual for their voluntary service to the community. He also recognized Dwight Steele, in particular, for his three (3) years of voluntary service. Tami Grant, Deputy Director of the Department of Human Services, recognized the efforts of the Workforce Development staff and stated Mr. Steele's career in the workforce has spanned over 40 years, yet he joined the Board in 2003, and his knowledge and experience have been invaluable. Mr. Steele shared he is a life-long Greeley/Weld resident, he gained his first job through the employment office, and he has enjoyed the growth of his career in employment training. *(Clerk's Note: The group gathered for a photo opportunity.)*

WARRANTS:

1) GENERAL WARRANTS – DECEMBER 15, 2020: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

BIDS:

1) PRESENT BID #B2000195, GREELEY FUEL TANK REPLACEMENTS – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Purchasing Department, presented the five (5) bids received and stated staff will make a recommendation on December 30, 2020.

NEW BUSINESS:

1) CONSIDER ADDITION TO SECTION 2.000 CHILD WELFARE OF THE DEPARTMENT OF HUMAN SERVICES POLICIES: Jamie Ulrich, Director of the Department of Human Services, reviewed the proposed policy addition to allow the Director to close the Family Support and Visitation Center on the weekend, during inclement weather events. Commissioner Kirkmeyer moved to approve said addition. Commissioner Ross seconded the motion, and it carried unanimously.

2) CONSIDER CONTRACT AND CERTIFICATIONS FOR 2021 VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) GRANT FOR VICTIM WITNESS ASSISTANCE UNIT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: JoAnn Holden, District Attorney's Office, explained the grant is \$24,000.00 less than previous years, in the amount of \$112,366.49. Carol Patch, VALE Board representative, stated VALE is 100% funded through the payment of offenders' fines and traffic tickets,

thus, as a result of COVID-19 economic impacts such as court closures and a decrease in tickets issues, there is a corresponding decrease in available funds. Commissioner Ross moved to approve said contract and certifications and authorize the Chair to sign and submit electronically. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) CONSIDER CONTRACT ID #4305 FOR 2021 VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) GRANT FOR WELD COUNTY LAW ENFORCEMENT VICTIM SERVICES AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Sonja Kohlgraf, Sheriff's Office, requested approval of the VALE Board grant award, in the amount of \$59,117.66. Commissioner Moreno moved to approve said contract and authorize the Chair to sign and submit electronically. Seconded by Commissioner Ross, the motion carried unanimously.

4) CONSIDER CONTRACT ID #4309 SERVICE ORDER FOR VIPER 9-1-1 PHONE SYSTEM AND MAINTENANCE SERVICES AND AUTHORIZE CHAIR TO SIGN – INTRADO LIFE AND SAFETY SOLUTIONS CORPORATION: Walt Lesley, Department of Public Safety Communications, stated staff reviewed three (3) proposals and recommends selecting Intrado as the lowest qualifying vendor. Commissioner Moreno moved to approve said service order and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

5) CONSIDER CANCELLATION OF TAX LIEN SALE CERTIFICATE (TS CERT 2019-31086) FOR PARCEL #10532000024): John Lefebvre, Treasurer/Public Trustee, explained the listed mobile home was destroyed and erroneously listed on the tax role, therefore, he recommended cancellation of the amount. Commissioner Ross moved to approve said cancellation. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

6) CONSIDER CANCELLATION OF TAX LIEN SALE CERTIFICATE (TS CERT 2019-30013) FOR PARCEL #096133400060): Mr. Lefebvre explained this mobile home was duplicated and he requested removal of the erroneous listing. Commissioner Kirkmeyer moved to approve said cancellation. Commissioner Ross seconded the motion, and it carried unanimously.

7) CONSIDER CANCELLATION OF TAX LIEN SALE CERTIFICATE (TS CERT 2005-0919) FOR PARCEL #147131000097): Mr. Lefebvre explained if a property is owned by an investor it may be cancelled if the County holds the lien for more than 15 years. He noted this parcel was owned by a family member and left in holding. Commissioner Ross moved to approve said cancellation. Commissioner James seconded the motion, and it carried unanimously.

8) CONSIDER AFFIDAVIT AND LETTER OF AUTHORIZATION FOR CITY OF GREELEY LAND USE APPLICATION FOR WIRELESS COMMUNICATION FACILITY (822 7TH STREET, GREELEY) AND AUTHORIZE CHAIR TO SIGN – VERIZON WIRELESS: Toby Taylor, Director of Buildings and Grounds, stated the County owns and leases the property, and Verizon wishes to change the configuration and receive acknowledgement. Commissioner Ross moved to approve said affidavit and authorization letter and authorize the Chair to sign, which was seconded by Commissioner Moreno, and it carried unanimously.

9) CONSIDER EASEMENT AND RIGHT-OF-WAY AGREEMENT FOR MEAD GRADER SHED AND AUTHORIZE CHAIR TO SIGN – LITTLE THOMPSON WATER DISTRICT: Mr. Taylor stated this is required by the Little Thompson Water District to bring water service to the Mead Grader Shed complex. Commissioner James moved to approve said easement and agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

10) CONSIDER ADDENDUM #27 TO AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – COLORADO TECHNICAL SERVICES, INC. (CTSI): Patti Russell, Director of the Department of Human Resources, explained this addendum is for ongoing administration of Workers' Compensation for Weld County and there is no rate increase. The motion to approve said addendum and authorize the Chair to sign was made by Commissioner Kirkmeyer, seconded by Commissioner Ross, and it carried unanimously.

11) CONSIDER 2021 STATE NOXIOUS WEED PROGRAM GRANT APPLICATION FOR ERADICATION OF LIST B SPECIES IN NORTHERN WELD COUNTY AND AUTHORIZE CHAIR TO SIGN AND ELECTRONIC SUBMITTAL: Tina Booton, Department of Public Works / Pest and Weed Division, requested approval to apply for a cost-share grant for up to 80%, or up to \$700.00 per landowner. She stated, if awarded, the grant would provide \$30,000.00, with a total local in-kind match of \$80,304.00, including \$30,552.00 in County budgeted funds, \$39,752.00 for the Pawnee National Grasslands, and amounts paid by the individual property owner. Commissioner Ross moved to approve said application, authorize the Chair to sign, and delegate Ms. Booton to electronically submit. Seconded by Commissioner Moreno, the motion carried unanimously.

12) CONSIDER CONTRACT ID #4295 INTERGOVERNMENTAL AGREEMENT FOR SH 392 AND CR 47 INTERSECTION SIGNAL PROJECT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Clay Kimmi, Department of Public Works, stated the grant was awarded in the amount of \$666,666.67, with the Federal Highway Administration (FHWA) paying ninety percent (90%) and the Colorado Department of Transportation (CDOT) responsible for ten percent (10%). He stated the County will project manage and design the signal installation in order to expedite the project. Commissioner Kirkmeyer moved to approve said intergovernmental agreement and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

13) CONSIDER CONTRACT ID #4310 INTERGOVERNMENTAL AGREEMENT FOR CR 35 IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY – CITY OF GREELEY: Elizabeth Relford, Deputy Director of the Department of Public Works, explained this IGA details the terms for spending \$3,827,700.00 for improvements to CR 35, and Weld County is responsible for its proportional share between F Street and O Street. She stated Greeley has agreed to annex its portion upon construction, and this is the first of two phases, with the second installment scheduled for the year 2024. Commissioner Moreno moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

14) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – BANNER HEALTH / NORTH COLORADO MEDICAL CENTER PARAMEDICS SERVICE: Dan Joseph, Department of Public Health and Environment, provided a brief overview of this application and the following 14 items were reviewed by the Emergency Medical Trauma Counsel, as well as staff, and they found the operators to be providing adequate service throughout the county and have received no adverse complaints. Commissioner Kirkmeyer moved to approve said application and authorize the Chair to sign said license. Seconded by Commissioner Ross, the motion carried unanimously.

15) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT: Commissioner Ross moved to approve said application and authorize the Chair to sign said license. The motion was seconded by Commissioner James, and it carried unanimously.

16) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT: Commissioner James moved to approve said application and authorize the Chair to sign said license, which was seconded by Commissioner Ross, and it carried unanimously.

17) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – GREELEY FIRE DEPARTMENT: The motion to approve said application and authorize the Chair to sign said license was made by Commissioner James, seconded by Commissioner Ross, and it carried unanimously.

18) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – MOUNTAIN VIEW FIRE PROTECTION DISTRICT: Commissioner Ross moved to approve said application and authorize the Chair to sign said license. Seconded by Commissioner James, the motion carried unanimously.

19) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – NORTH METRO FIRE RESCUE DISTRICT: Commissioner James moved to approve said application and authorize the Chair to sign said license. The motion was seconded by Commissioner Moreno, and it carried unanimously.

20) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – PLATTE VALLEY AMBULANCE SERVICE: Commissioner Ross moved to approve said application and authorize the Chair to sign said license, which was seconded by Commissioner James, and it carried unanimously.

21) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – PLATTEVILLE-GILCREST FIRE PROTECTION DISTRICT: The motion to approve said application and authorize the Chair to sign said license was made by Commissioner Ross, seconded by Commissioner James, and it carried unanimously.

22) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – UCHEALTH EMERGENCY MEDICAL SERVICE: Commissioner James moved to approve said application and authorize the Chair to sign said license. Seconded by Commissioner Ross, the motion carried unanimously.

23) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – SOUTHEAST WELD FIRE PROTECTION DISTRICT: Commissioner James moved to approve said application and authorize the Chair to sign said license. The motion was seconded by Commissioner Ross, and it carried unanimously.

24) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – THOMPSON VALLEY EMERGENCY MEDICAL SERVICE: Commissioner Ross moved to approve said application and authorize the Chair to sign said license, which was seconded by Commissioner James, and it carried unanimously.

25) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – WINDSOR-SEVERANCE FIRE PROTECTION DISTRICT: The motion to approve said application and authorize the Chair to sign said license was made by Commissioner Ross, seconded by Commissioner James, and it carried unanimously.

26) CONSIDER APPLICATION FOR TIER II EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – AMBULNZ CO, LLC: Commissioner James moved to approve said application and authorize the Chair to sign said license. Seconded by Commissioner Ross, the motion carried unanimously.

27) CONSIDER APPLICATION FOR TIER II EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – AMERICAN MEDICAL RESPONSE OF COLORADO: Commissioner James moved to approve said application and authorize the Chair to sign said license. The motion was seconded by Commissioner Ross, and it carried unanimously.

28) CONSIDER APPLICATION FOR TIER III EMERGENCY MEDICAL SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – STADIUM MEDICAL, INC.: Commissioner Ross moved to approve said application and authorize the Chair to sign said license, which was seconded by Commissioner James, and it carried unanimously.

29) CONSIDER REVISIONS TO FEE SCHEDULE FOR FEES COLLECTED BY WELD COUNTY DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Mr. Joseph provided a brief overview of the revisions for Environmental Health Service and Clinical Health Services fees, which are in line with the national inflation rate. The motion to approve said revisions was made by Commissioner Moreno, seconded by Commissioner Kirkmeyer, and it carried unanimously.

30) CONSIDER CONTRACT ID #4308 RADON GRANT STATEMENT OF WORK AND AUTHORIZE CHAIR TO SIGN AND ELECTRONIC SUBMITTAL: Mr. Joseph explained this Statement of Work provides reimbursement of up to \$18,000.00 for the distribution of between 500-800 radon kits to County residents, including an in-kind match of staff time to prepare summarized reports. Commissioner Ross moved to approve said statement of work and authorize the Chair to sign and electronic submittal. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

31) CONSIDER APPOINTMENT TO GREELEY HOUSING AUTHORITY: Commissioner Kirkmeyer moved to approve said appointment. Commissioner Ross seconded the motion, and it carried unanimously.

32) CONSIDER APPOINTMENT TO GREELEY-WELD COUNTY AIRPORT AUTHORITY: Commissioner Kirkmeyer moved to approve said appointment. Commissioner James seconded the motion, and it carried unanimously.

33) CONSIDER REAPPOINTMENTS TO HUMAN SERVICES ADVISORY COMMISSION: Commissioner Kirkmeyer moved to approve said reappointments. Commissioner Ross seconded the motion, and it carried unanimously.

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

35) CONSIDER APPOINTMENTS AND REAPPOINTMENT TO REGIONAL COMMUNICATIONS ADVISORY BOARD: Commissioner Kirkmeyer moved to approve said appointments and reappointment. Commissioner Ross seconded the motion, and it carried unanimously.

36) CONSIDER APPOINTMENT AND REAPPOINTMENT TO WELD COUNTY BUILDING CODE BOARD OF APPEALS: Commissioner Kirkmeyer moved to approve said appointment and reappointment. Commissioner Ross seconded the motion, and it carried unanimously.

37) CONSIDER APPOINTMENTS AND REAPPOINTMENTS TO WORKFORCE DEVELOPMENT BOARD: Commissioner Kirkmeyer moved to approve said appointments and reappointments. Commissioner Ross seconded the motion, and it carried unanimously.

38) CONSIDER APPOINTMENT AND REAPPOINTMENT TO WELD/LARIMER REVOLVING LOAN FUND COMMITTEE: Commissioner Kirkmeyer moved to approve said appointment and reappointment. Commissioner Ross seconded the motion, and it carried unanimously.

39) CONSIDER REAPPOINTMENT TO FEDERAL MINERAL LEASE ACT BOARD OF DIRECTORS: Commissioner Kirkmeyer moved to approve said reappointment. Commissioner Ross seconded the motion, and it carried unanimously.

40) FINAL READING OF CODE ORDINANCE #2020-18, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 6 LAW ENFORCEMENT OF THE WELD COUNTY CODE (MODEL TRAFFIC CODE): Commissioner Kirkmeyer moved to read by title only. Seconded by Commissioner Ross, the motion carried unanimously. Bruce Barker, County Attorney, read said title for the record. Captain Alan Caldwell, Sheriff's Office, confirmed there has been no changes since Second Reading. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2020-18 on Final Reading. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

Chair Freeman called a brief recess at 9:53 a.m. Upon reconvening, he called up the following Planning item.

PLANNING:

1) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX20-0118 – DENNIE KUTCHER: Michael Hall, Department of Planning Services, provided a brief overview of the vicinity map, aerial imagery of the site and surrounding land uses, and site plat of the original Recorded Exemption (RE). He further explained the subsequent RE splits since that time, as well as overlaying Use by Special Review (USR) permit for an airstrip. Mr. Hall stated the subject request seeks to split Lot B resulting in a third RE split on the property by the same property owner, therefore, staff recommends denial based on noncompliance with Weld County Code Section 24-8-40.M.1 (five years have not lapsed). Dennie Kutcher, applicant, explained his medical extenuating circumstances have prompted the early submittal.

In response to Commissioner Kirkmeyer, Stacey Shay, Attorney, explained Mr. Kutcher applied early because he was recently diagnosed with a medical condition and the side effects of the resulting treatment may limit his ability to complete the RE process, and she confirmed they have reviewed and agree with the Conditions of Approval (COA). Responding to Commissioner Kirkmeyer, Mr. Hall explained staff's determination that the request is also an evasion of the Subdivision regulations by creating a stacked, linear layout. In response to Commissioner James, he explained the proposed three (3) lots would receive water service through a shared well; however, the well permit will need to be updated to reflect the correct legal description. Responding further to Commissioner Kirkmeyer, Mr. Kutcher acknowledged the option to rely on family to complete the process if he is not able to. He added he is not trying to evade the Subdivision regulations, rather the new proposed layout will make better use of the parcel. Mr. Hall noted the recent Code revisions prevent Mr. Kutcher from applying next year because Recorded Exemptions are no longer an allowed process. Commissioner James stated the proposal does limit the access to one entry point; however, the development would be better through the Subdivision process. Commissioner Moreno moved to deny the application of Dennie Kutcher for Recorded Exemption, RECX20-0118, because it does not meet the five (5) year waiting requirement. Commissioner Kirkmeyer seconded the motion for purposes of discussion. Chair Freeman acknowledged

that although the proposal has only one access, the linear layout appears to be evading the Subdivision regulations. Mr. Barker counseled that the motion was limited to the lack of compliance with the five (5) year requirement. Commissioner Kirkmeyer clarified the testimony provided did not support the presence of extenuating circumstances to waive the five (5) year requirement, and the motion carried unanimously.

2) CONSIDER FOUR-LOT RECORDED EXEMPTION, RECX19-0165 – PERKINS LAND AND LIVESTOCK IV, LLC, C/O P. DAVID PERKINS: Maxwell Nader, Department of Planning Services, stated this application proposes four (4) lots on Lot C of existing Recorded Exemption, RE-3558, which is irrigated, high-potential dry cropland currently producing corn, millet and wheat. He described the location, proposed layout of the site and surrounding land uses, including 22 other exemptions in the area. Mr. Nader reviewed staff's recommendation for denial, based on lack of compliance with Weld County Code Section 24-8-20.A for evading the Subdivision regulations, and Section 24-8-40.J because the proposed linear subdivision is not consistent with sound land use practices. He further stated this type of development could have unintended consequences, such as limited access, maintenance disputes, and safety issues accessing onto the County road system. Christine Curl, applicant representative, explained the timing delay, stated Mr. Perkins purchased the property in 2011, he was not involved in the previous RE, and the land is in active pivot farming. She explained the proposed layout was attempting to lessen the impact on the existing farm ground; however, recognizing the concerns expressed by staff, she proposed modifying the layout. In response to Commissioner Ross, Ms. Curl confirmed the lots will be marked for sale; they are not intended for family housing. Commissioner James commented the applicant does have the option of pursuing this design through the Subdivision process, and Commissioner Freeman added the original RE met the intent of splitting off the dry corners; however, the current proposal does not meet the intent of the A (Agricultural) Zone District. Commissioner James moved to deny the application based on the finding that the proposal does not meet Section 24-8-20.A of the Weld County Code and is an evasion of the Subdivision regulations, which was seconded by Commissioner Ross, and it carried unanimously. Ms. Curl thanked the Board for serving as County representatives and commended them for how they have been handling the response to the COVID-19 pandemic.

3) SECOND READING OF CODE ORDINANCE #2020-20, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (SOLAR): Commissioner Kirkmeyer moved to read Code Ordinance #2020-20 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Mr. Barker read said title for the record. Tom Parko, Director of Planning Services, confirmed a Stakeholder meeting was held on December 8, 2020, which offered constructive dialogue and concepts; however, staff currently has no changes to present. In response to Commissioner Kirkmeyer, Mr. Parko stated staff is in support of adding language that would make the requirement of Financial Assurance more certain as part of the Decommissioning Plan. Commissioner Ross commented he feels there is more work to be done before this document is perfected and stated he would support a 60-day continuance. Commissioner James agreed, based on the extensive amount of public input received, and stated it is important to ensure the intent of the Code is not evaded and that opportunities for solar energy are compatible and harmonious with the surrounding area. Commissioners Moreno, James and Kirkmeyer agreed there is more work to do before this Ordinance is ready for further review, which may benefit from establishing a small working group consisting of County staff, residents and energy industry representatives, while still ensuring the intent of the A (Agricultural) Zone District is protected in compliance with the Comprehensive Plan.

David Wonderlich, on behalf of County resident Ann Uller, expressed support to maintain current solar uses and allowing property owners to use their land in a manner that is compatible with Agriculture, while also recognizing the benefits of alternate energy sources.

Ali Weaver, Silicon Ranch representative, expressed her appreciation for the Stakeholder meeting and offered her support of a continuance to allow for further review.

(Clerk's Note: Commissioner Ross was excused from the remainder of the meeting.)

Arthur Griffiths, County resident and farmer, stated he currently utilizes rooftop solar energy, and referred to a Wall Street Journal article which indicated investors are pursuing solar and wind energy and shifting away from oil and gas. He further stated certain providers are improving solar technology to rotate with the sun and capable of absorbing snow radiant energy.

Steve Teets, Greeley resident, expressed his support of a continuance to make sure the intent of the A (Agricultural) Zone cannot be evaded.

Robert Chillen, Poudre Valley REA member, indicated PVREA desires a diversified energy portfolio, including solar, which affords various energy opportunities and supports local investment by local owners. He stated a continuance will also allow the PVREA Cooperative additional time to discuss how they intend to use solar to keep rates low and energy service high.

Jennifer Berg-Ramsey, County/Ault resident, expressed her appreciation for the Commissioners' efforts to protect agricultural land, as well as promote individual land rights/interests and responsibility. She stated a continuance will allow additional review and ensure the final outcome works for many interested parties.

Commissioner Kirkmeyer moved to continue Code Ordinance #2020-20 to February 22, 2021, to allow for additional review and modifications. The motion was seconded by Commissioner James, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2020-18 was approved on Final Reading, and the Second Reading of Code Ordinance #2020-20 was continued to February 22, 2021, for reasons as detailed above.

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 10:42 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