

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, DECEMBER 21, 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 21, 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 Ross moved to approve the minutes of the Board of County Commissioners meeting of December 16, 2020, as printed. Commissioner James seconded the motion, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner Moreno moved to approve the Certification of Hearings conducted on December 16, 2020, as follows: 1) USR20-0028 – Lonnie Shoemaker, 2) 3MJUSR18-07-1604 – High Sierra Water Services, LLC, c/o NGL Water Solutions DJ, LLC, and 3) USR20-0025 – Joel and Marcy Konig, c/o Superior Oilfield Services Company, LTD. Commissioner Kirkmeyer 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 Kirkmeyer seconded the motion, and it carried unanimously.

**PUBLIC INPUT:** John and Marisa Bell, County residents, stated they attended several weeks ago, presented copies of the information concerning two right-of-way and utility easements traversing their property (Exhibit A), and requested assistance from the Board to get the vacated easement issue addressed. In response to Bruce Barker, County Attorney, Mr. Bell confirmed they are not presently represented by legal counsel. Mr. Barker suggested this matter be referred to the County Attorney's Office for further review to determine whether the property owner's position is contrary to the position of the County.

**WARRANTS:**

1) GENERAL WARRANTS – DECEMBER 18, 2020: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

**NEW BUSINESS:**

1) CONSIDER 2021-2022 CRIME VICTIM SERVICES (CVS) INTERGOVERNMENTAL GRANT AGREEMENT AWARD LETTER AND SUMMARY OF GRANT AWARD TERMS AND CONDITIONS FOR VICTIM WITNESS ASSISTANCE UNIT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: JoAnn Holden, District Attorney’s Office, presented the two-year grant, in the amount of \$683,823.00, and stated there is no match requirement. Commissioner Kirkmeyer moved to approve said intergovernmental grant agreement and award letter and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously. Ms. Holden stated it has been a pleasure working with the current Board who worked to support the County employees during a very challenging year, and she looks forward to working with the new Board starting in 2021.

2) CONSIDER CERTIFICATION OF TAX LEVIES AND REVENUE FOR 2021 AND AUTHORIZE CHAIR TO SIGN: Brenda Dones, Assessor, explained this certification is being presented in accordance with C.R.S. §39-5-128, in which each city, town, school district and special district must certify their mill levy by December 15th. She stated 466 entities have certified their tax levies, which is an increase of 22 over last year, for an overall total tax \$1,133,998,714.00, which is down \$8 million from last year, or less than a one percent (1%) decrease. Ms. Dones explained upon certification the Assessor’s Office will generate and deliver the tax roll to the Treasurer’s Office. Commissioner Moreno moved to approve said certification and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously. Ms. Dones thanked Commissioners Kirkmeyer and Ross for their service to Weld County.

3) CONSIDER CONTRACT ID #4318 INTERGOVERNMENTAL AGREEMENT FOR CONTRIBUTION TO ROADWAY IMPROVEMENTS AT INTERSECTION OF CRS 74 AND 35 AND AUTHORIZE CHAIR TO SIGN – TOWN OF EATON: Elizabeth Relford, Department of Public Works, stated this IGA details the County’s 25% proportional share, in the amount of \$1.8 million, for the proposed roundabout at the intersection of County Roads (CR) 74 and 35, which is scheduled to be completed in 2022. Commissioner Ross commented it is nice to work with the Town of Eaton and school district, which will be responsible for the remaining 75%. Commissioner Ross moved to approve said agreement and authorize the Chair to sign, which was seconded by Commissioner Kirkmeyer, and it carried unanimously. Commissioner Kirkmeyer thanked Ms. Relford and other staff for working with the town to get this project covered in their Capital Improvements Plan.

4) CONSIDER CANCELLATION OF 2020 OUTSTANDING ACCOUNTS RECEIVABLE FOR WELD COUNTY DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Barbara Connolly, Controller, presented the list of receivables which were uncollectable by the Health Department, in the amount of \$15,720.49. Commissioner Kirkmeyer moved to approve said cancellation. Commissioner Ross seconded the motion, and it carried unanimously.

5) CONSIDER AMENDMENT TO PURCHASE OF PROFESSIONAL SERVICES AGREEMENT FOR OIL AND GAS AUDITS AND EVALUATION SERVICES AND AUTHORIZE CHAIR TO SIGN – MARTINDALE CONSULTANTS, INC.: Ms. Dones explained oil and gas is self-reported in Colorado and stated the benefit of this agreement to audit is it holds the companies accountable, provides reporting consistency, and trains companies on how to report. The motion to approve said amendment and authorize the Chair to sign was made by Commissioner James, seconded by Commissioner Kirkmeyer, and it carried unanimously.

6) FINAL 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): Commissioner Kirkmeyer moved to read Code Ordinance #2020-19 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Bruce Barker, County Attorney, read said title for the record and indicated there have been no changes since Second Reading. No public testimony was offered concerning this matter. Commissioner Kirkmeyer moved to approve Code Ordinance #2020-19 on Final Reading. Commissioner Ross seconded the motion, and it carried unanimously.

**PLANNING:**

1) CONSIDER RESCINDING RESOLUTION #2019-4359, DATED DECEMBER 11, 2019, FOR USE BY SPECIAL REVIEW PERMIT, USR19-0052, FOR A USE PERMITTED AS A USE BY RIGHT, ACCESSORY USE, OR USE BY SPECIAL REVIEW IN THE COMMERCIAL OR INDUSTRIAL ZONE DISTRICTS (STORAGE OF FIREWOOD AND PARKING AND STAGING OF UP TO FIVE [5] 3/4-TON PICKUP TRUCKS AND TWO [2] TRAILERS) IN THE A (AGRICULTURAL) ZONE DISTRICT – THE GUEST FAMILY TRUST (CONT'D FROM 11/16/2020): Chris Gathman, Department of Planning Services, stated the applicant is about half way through the corrections to be made, and the plat that was submitted was erroneously laminated, rather than having a mylar prepared, which will be recorded once corrected. Commissioner Kirkmeyer moved to dismiss the request to rescind Resolution #2019-4359 for Use by Special Review Permit, USR19-0052, issued to The Guest Family Trust. Commissioner Ross seconded the motion, and it carried unanimously.

2) CONSIDER EXTENSION OF AUTHORIZATION TO USE RECREATIONAL VEHICLES FOR TEMPORARY QUARANTINE QUARTERS AS NECESSARY FOR PHYSICAL DISTANCING IN RESPONSE TO COVID-19 PANDEMIC HEALTH EMERGENCY: Tom Parko, Director of Planning Services, stated this Resolution extends the use of RVs for temporary quarantine purposes during the ongoing COVID-19 Pandemic Health Emergency, and the provision will now run concurrently with the effective status of the Declaration of Emergency Disaster. Commissioner Ross moved to approve said extension to authorize use of RVs for temporary quarantine quarters during the pendency of the COVID-19 Pandemic Health Emergency. Commissioner Kirkmeyer seconded the motion, 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 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 9:21 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: \_\_\_\_\_  
Deputy Clerk to the Board

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Mike Freeman, Chair

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Steve Moreno, Pro-Tem

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Scott K. James

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Barbara Kirkmeyer

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Kevin D. Ross