

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, NOVEMBER 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, November 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 – 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 James moved to approve the minutes of the Board of County Commissioners meeting of November 9, 2020, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Ross moved to approve the Certification of Hearings conducted on November 9, 2020, as follows: 1) PCSC20-0002 – Marek Farms, Ltd., c/o John Pipe. Commissioner James seconded the motion, which carried unanimously.

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

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

PUBLIC INPUT: In response to Steve Teets, Greeley resident, Commissioner Ross stated Perry Buck was elected as Commissioner At-Large, Lori Saine won Commissioner District 3, and Mike Freeman was reelected as Commissioner District 1. Further responding to Mr. Teets, Commissioners James and Moreno detailed the Weld Trust non-profit organization will join in the Bright Futures Scholarship Program and summarized the various donations and fundraising events. Mr. Teets shared his concern with students attending school and the correlation with the COVID-19 Pandemic Health numbers rising, arguing it was a poor decision to open schools. Commissioners Moreno and Ross reiterated the personal responsibility of all residents to practice preventative health measures and clarified the school district boards alone hold the decision to close or open schools.

WARRANTS:

1) GENERAL WARRANTS – NOVEMBER 13, 2020: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2000173, COURTS SECURITY SCREENING – SHERIFF'S OFFICE (CONT'D FROM 11/4/2020): Rob Turf, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Securitas Security Services USA, for a total amount of \$1,396,808.00. Commissioner Kirkmeyer moved to approve said bid, the motion was seconded by Commissioner Ross, and it carried unanimously.

2) APPROVE BID #B2000187, HOKESTRA PEDESTRIAN TRAIL AND BRIDGE – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed staff's recommendation to select Jags Enterprises, Inc., the low bidder meeting specifications, for a total of \$386,788.50. Commissioner James moved to approve said bid, the motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

3) APPROVE BID #B2000189, MAGNESIUM CHLORIDE TANKS IN THE TOWN OF KERSEY AND CITY OF GREELEY – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf introduced Patriot Petroleum Solutions as the low bidder selected by staff and confirmed they meet all specifications, for a total amount of \$483,820.32. Commissioner Ross moved to approve said bid, the motion was seconded by Commissioner James, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER SUBMITTAL OF APPLICATION AND RESULTING GRANT AWARD LETTER AND SUMMARY OF GRANT AWARD TERMS AND CONDITIONS FOR CORONAVIRUS (COVID-19) AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT ELECTION SAFETY GRANT FOR PERSONAL PROTECTIVE EQUIPMENT (PPE) AND OTHER 2020 ELECTION EXPENSES AND AUTHORIZE CHAIR TO SIGN: Carly Koppes, Clerk and Recorder, presented items #1 and #2 collectively, stating the CARES funding secures the use of the 4-H building to help meet social distancing requirements and provides PPE. Commissioner Kirkmeyer moved to approve said grant award and authorize the Chair to sign. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER APPLICATION FOR CORONAVIRUS (COVID-19) AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT ELECTION SAFETY GRANT FOR 2020 PRIMARY ELECTION BALLOT COSTS AND AUTHORIZE CHAIR TO SIGN: Commissioner Ross moved to approve said application and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) CONSIDER CONTRACT ID #4246 AMENDMENT #3 FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mark Lawley, Deputy Director of the Department of Public Health and Environment, stated the grant terms and plans for a variety of population-based disease outbreak emergencies and preparations to support mass-dispensing of vaccines and antibiotics from July 1, 2020, to June 30, 2021. Commissioner Ross moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

4) CONSIDER CONTRACT ID #4247 MEMORANDUM OF UNDERSTANDING FOR COOKING MATTERS NO KID HUNGRY CAMPAIGN AND AUTHORIZE CHAIR TO SIGN – SHARE OUR STRENGTH: Mr. Lawley shared the Cooking Matters Colorado program will provide nutritious food education to low-income County residents and will provide a total amount of \$142,421.58 to cover salary and fringe benefits for the CMC Program Coordinator from October 1, 2020, to September 30, 2021.

Commissioner James moved to approve said memorandum of understanding and authorize the Chair to sign and submit electronically. Commissioner Kirkmeyer seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT ID #4248 TASK ORDER CONTRACT FOR FOOD AND DRUG ADMINISTRATION (FDA) TOBACCO RETAIL COMPLIANCE CHECK INSPECTION PROGRAM AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Lawley stated the project provides active enforcement provisions of the Family Smoking Prevention and Tobacco Control Act and will cover one inspector position for an amount of \$164,830.33. The motion to approve said contract and authorize the Chair to sign and submit electronically was made by Commissioner Ross, seconded by Commissioner James, and it carried unanimously.

6) CONSIDER AGREEMENT FOR SERVICES FOR INTERNET AUCTION SERVICES FOR TAX CERTIFICATES AND AUTHORIZE CHAIR TO SIGN – REALAUCTION.COM, LLC: John Lefebvre, Treasurer, shared the contract continues the online sale of tax liens for an amount of \$10.00 per item. Commissioner Kirkmeyer moved to approve said agreement and authorize Chair to sign. The motion was seconded by Commissioner James and it carried unanimously.

7) CONSIDER CUSTOMER PURCHASE ORDER FOR FIVE (5) USED MOTOR GRADERS AND AUTHORIZE CHAIR AND CONTROLLER TO SIGN ANY NECESSARY DOCUMENTS – 4 RIVERS EQUIPMENT, LLC: David Springer, Department of Fleet Services, reviewed the County agreed to cease leasing motor graders and shared the request to purchase five (5) used John Deere motor graders for a total amount of \$837,500.00. Commissioner Ross moved to approve said Resolution and authorize the Chair and the Controller to sign any necessary documents. Seconded by Commissioner James, the motion carried unanimously.

8) CONSIDER ESTABLISHING CHANGE FUND AT WELD COUNTY SHERIFF'S OFFICE FOR RECORDS UNIT: Barbara Connolly, Controller, stated a cash box will be necessary for the new Sheriff's Office Records Units to service customers with record requests. Commissioner Kirkmeyer moved to approve said Resolution. Commissioner James seconded the motion and it carried unanimously.

9) CONSIDER ESTABLISHING CHANGE FUND OF WELD COUNTY SHERIFF'S OFFICE FOR JAIL BOOKING AREA: Ms. Connolly detailed the historical processes resulted in uncashed checks, recommended establishing a cash fund payout of no more than \$50.00 to an inmate transferring to other facilities, and requested two (2) cash drawers of \$1,000.00 each. Sonja Kohlgraf, Sheriff's Office, presented the analysis of the issued checks and assured the cash payouts to inmates entering alternate agencies will be more beneficial for administrative hours. In response to Commissioner Ross, Ms. Connolly assured all proper procedures will be implemented for cash management to prevent internal issues. Commissioner Ross moved to approve said Resolution. The motion was seconded by Commissioner James and it carried unanimously.

10) CONSIDER STANDARD FORM FOR WELD COUNTY GUARD TERMINAL SERVICES AGREEMENT BETWEEN THE WELD COUNTY SHERIFF'S OFFICE AND VARIOUS ENTITIES AND AUTHORIZE CHAIR TO SIGN AGREEMENTS CONSISTENT WITH SAID FORM: Ms. Kohlgraf stated the agreements will allow authorized users access to the Guard Terminal to make entries and extract information from the Colorado Crime Information Center and National Crime Information Center. Commissioner Kirkmeyer moved to approve said form and authorize the Chair to sign agreements consistent with said form. The motion was seconded by Commissioner James and it carried unanimously.

11) CONSIDER CONTRACT ID #4194 WELD COUNTY GUARD TERMINAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – TOWN OF FIRESTONE: Ms. Kohlgraf detailed the revised language to amend the party involved. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

12) CONSIDER INSTALLATION OF TRAFFIC CONTROL DEVICES ON CR 47 BETWEEN CR 60.5 AND STATE HWY 392: Don Dunker, Department of Public Works, shared the request to alter the speed limit on CR 47 from 55 to 65 MPH and reviewed the traffic count history. The motion to approve said Resolution was made by Commissioner Ross, seconded by Commissioner James, and it carried unanimously.

13) CONSIDER LEASE AGREEMENT FOR LOCATION, CONSTRUCTION, AND MAINTENANCE OF AIR MONITORING/METEOROLOGICAL EQUIPMENT AND OBTAINING DATA THEREFROM AND AUTHORIZE CHAIR TO SIGN – LOYD FARMS: Bruce Barker, County Attorney, summarized the property location and the lease rate of \$200.00 per month. Commissioner James moved to approve said lease agreement and authorize the Chair to sign. Commissioner Ross seconded the motion and it carried unanimously. The Board, in turn, stated the agreement is part of an important process to ensure the health, safety and welfare of County residents by monitoring air quality.

14) CONSIDER LEASE AGREEMENT FOR LOCATION, CONSTRUCTION, AND MAINTENANCE OF AIR MONITORING/METEOROLOGICAL EQUIPMENT AND OBTAINING DATA THEREFROM AND AUTHORIZE CHAIR TO SIGN – SUBLETTE, INC.: Mr. Barker summarized the property location and the lease amount of \$50.00 each month. Commissioner Kirkmeyer moved to approve said lease agreement and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

15) SECOND 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 Code Ordinance #2020-18 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Mr. Barker read the title for the record. Bob Choate, Assistant County Attorney, detailed the update brings the traffic code in line with the State statute. No public input was provided. The motion to approve Code Ordinance #2020-18 on Second Reading was made by Commissioner Ross, seconded by Commissioner James, and it carried unanimously.

PLANNING:

1) CONSIDER RESCINDING RESOLUTION #2019-4359, DATED DECEMBER 11, 2019, 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: Chris Gathman, Department of Planning Services, summarized the lot location, reviewed the Use by Special Review (USR) permit approved on December 11, 2019, and stated the USR corrected the Zoning Code violation, initiated in March 2019, due to the presence of an unpermitted business. He shared the various correspondence regarding the finalized USR map which indicates a proposed access on County Road (CR) 22 and does not meet minimum spacing requirements. Mr. Gathman assured all other Conditions of Approval (COA) have been addressed and the applicant is working to address the remaining Development Standards. Commissioner Kirkmeyer noted a clerical error on page 4 of the staff memorandum. Mike McRoberts, Department of Public Works, reviewed the submitted USR map with the newly proposed access and traffic patterns on CR 22, and recommended utilizing the access on CR 47.5. Will Josephson, applicant representative, stated his staff incorrectly displayed the access point and the correct placement would be

on CR 47.5. Commissioner Kirkmeyer clarified applicants are required to submit an affidavit to authorize Mr. Josephson to speak on their behalf. Mr. Josephson responded to her inquiry, confirming a 30-day extension is adequate time to submit a corrected USR map. Commissioner Kirkmeyer moved to extend the deadline to December 21, 2020. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHARLES BENNETT AND MANUEL GALLEGOS: Gabe Kalousek, Assistant County Attorney, reviewed the County Court determined the property is in violation, as of July 9, 2019, and he detailed the certified penalties in the amount of \$4,375.00 from July 10, 2019, through December 31, 2019. He further shared staff's recommendation to certify penalties in the amount of \$6,850.00 between January 1, 2020, and September 30, 2020. Bethany Pascoe, Zoning and Compliance Officer, presented the site inspection. Commissioner Kirkmeyer moved to approve said certification. The motion was seconded by Commissioner James and it carried unanimously.

3) CONSIDER CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHRISTINA ELAM AND DONALD HARRIS: Mr. Kalousek detailed the court hearing determined the property is in violation, as of August 7, 2017, and the Board certified penalties in an amount of \$4,280.00 from June 1, 2019, to December 31, 2019. He presented staff's recommendation to certify penalties in the amount of \$5,480.00 between January 1, 2020, and September 30, 2020. Ms. Pascoe shared the site inspection. Commissioner Kirkmeyer moved to approve said certification. The motion, which was seconded by Commissioner Ross, carried unanimously. In response to Commissioner Moreno, Ms. Pascoe confirmed all applicants were notified the matter would be heard before the Board and their attendance was required.

4) CONSIDER CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – MELIHA SABANOVIC AND MAHIC SABAHUDIN: Mr. Kalousek summarized the court's decision to place the property in violation, beginning on August 5, 2019, and shared the certified penalties in the amount of \$3,700.00 were issued from August 5, 2019, through December 31, 2019. He stated staff recommends requiring certified penalties in the amount of \$6,850.00 between January 1, 2020, and September 30, 2020. Ms. Pascoe displayed the site inspection. The motion to approve said certification was made by Commissioner James, seconded by Commissioner Kirkmeyer, and it carried unanimously.

5) CONSIDER CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – GRACIELA QUINONEZ AND VERONICA GUTIERREZ: Mr. Kalousek reviewed the court hearing determined the property is in violation in relation to the building permit due to multiple structures on the property and the applicants' inability to meet setback requirements, which issued a fee of \$10.00 per day from April 9, 2018, until the property is brought into compliance. He further detailed the zoning violation determined by the court on September 16, 2019, and the certified penalties in the amount of \$3,200.00 from June 1, 2019, to December 31, 2019. Mr. Kalousek stated staff recommends issuing certified penalties in the amount of \$5,480.00, for the building permit violation and the zoning compliance violation, between January 1, 2020, and September 30, 2020. Tonya Johnson, Department of Planning Services, presented the site inspection, displaying the non-commercial junkyard. In response to Commissioner Kirkmeyer, Mr. Kalousek suggested the applicants may not be aware the matter is serious enough to attend the Board meeting and Mr. Barker stated the Board could file a civil case in District Court to further attempt to bring these properties into compliance. Commissioner Kirkmeyer moved to approve said certification. The motion was seconded by Commissioner Ross and it carried unanimously.

6) FINAL READING OF CODE ORDINANCE #2020-16, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 24 SUBDIVISIONS, OF THE WELD COUNTY CODE (*RECORDED EXEMPTIONS AND MISC.*): Commissioner Kirkmeyer moved to read Code Ordinance #2020-16 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Mr. Barker read the title for the record. Tom Parko, Director of Planning Services, detailed the clarifying changes, such as altering “municipal boundary” to “municipal sewer line” and “public sewer systems” to “On-site Wastewater Treatment Systems (OWTS).” He further shared the amended language requiring a sewer system in an urban-scale development area and specifying a public sewer may be utilized instead of an OWTS. In response to Commissioner Kirkmeyer, Michael Hall, Department of Planning Services, detailed the acronym MINK stands for Minor Subdivision Sketch Plan, referenced in Section 24-5-30.B.7. No public input was provided. Commissioner Kirkmeyer shared her gratitude to staff and moved to approve Code Ordinance #2020-16 on Final Reading. Seconded by Commissioner Ross, the motion carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2020-18 was approved on Second Reading and #2020-16 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 10:08 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

EXCUSED
Mike Freeman, Chair

Steve Moreno, Pro-Tem

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross