

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, DECEMBER 23, 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 23, 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
Acting Clerk to the Board, Chloe A. Rempel
Assistant Controller, Chris D'Ovidio

MINUTES: Commissioner Ross moved to approve the Minutes of the Board of County Commissioners meeting of December 21, 2020, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

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

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

PUBLIC INPUT: Raul Jabalera, Eaton resident, spoke regarding trucks at his home residence and a letter he was sent from the Department of Planning Services. Commissioner Kirkmeyer asked Tom Parko, Director of the Department of Planning Services, and Gabe Kalousek, Assistant County Attorney, to assist Mr. Jabalera.

PROCLAMATIONS:

1) EATON REDS DAY, BOYS FOOTBALL CLASS 2A STATE CHAMPIONS - DECEMBER 23, 2020: Chair Freeman read the proclamation for the record. Tanner True, Eaton football teammember, spoke to the pride the team and the community feels in their victory and thanked the Commissioners for their proclamation. Roy True, speaking on behalf of the headcoach, thanked Commissioner Ross and his fellow Commissioners for recognizing the Eaton football team. Each of the Eaton teammembers and coaches introduced themselves for the record and the teammembers stated the position they played during the winning season. Coach Lemmon spoke via speaker phone and expressed his satisfaction in the team's season. Each of the Commissioners, in turn, likewise expressed their pride in the Eaton

football team and the community that supported them. *(Clerk's Note: The group gathered for a photo opportunity and to provide awards to the coaches).*

NEW BUSINESS:

1) CONSIDER CONTRACT ID #4293 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – MELISSA KNUTSON: Jamie Ulrich, Director of the Department of Human Services, recommended approving said respite provider based in Windsor, Colorado. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.

2) CONSIDER CONTRACT ID #4271 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JOHN AND NATALIE MCGUKIN: Ms. Ulrich presented the new foster home in LaFayette, Colorado. Commissioner Ross moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) CONSIDER CONTRACT ID #4294 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – CRYSTAL BALLARD AND MELISSA BALLARD: Ms. Ulrich recommended approving a new foster home in Greeley, Colorado. Commissioner James moved to approve said contract and authorize the Chair to sign. The motion, which was seconded by Commissioner Moreno, carried unanimously.

4) CONSIDER CONTRACT ID #4313 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JESSE KENNEDY AND CRYSTAL MCCUBBIN: Ms. Ulrich confirmed a new foster home in Firestone, Colorado, and requested approval. Commissioner Moreno moved to approve said contract and authorize the Chair to sign. Commissioner James seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT ID #4314 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – CONIAH AND MEGAN GRIGSON: Ms. Ulrich presented a provisional kinship home in Greeley, Colorado. The motion to approve said contract and authorize the Chair to sign was made by Commissioner James, seconded by Commissioner Ross, and it carried unanimously.

6) CONSIDER CONTRACT ID #4296 AMERICORPS EDUCATION AWARD SERVICE LOCATION AGREEMENT AND AUTHORIZE DIRECTOR OF DEPARTMENT OF HUMAN SERVICES TO SIGN: Ms. Ulrich expanded upon said agreement, stating it is to enroll up to 32 Americorps members. Commissioner Moreno moved to approve said agreement and authorize the Director of the Department of Human Services to sign. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

7) CONSIDER CONTRACT ID #4321 MEMORANDUM OF UNDERSTANDING FOR SPECIAL YOUTH OPPORTUNITIES AND EMERGENCY FUNDING AND AUTHORIZE CHAIR TO SIGN – REALITIES FOR CHILDREN CHARITIES: Ms. Ulrich clarified the Memorandum of Understanding accomplishes access to emergency funds and local special youth opportunities. Commissioner Ross moved to approve said memorandum of understanding and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

8) CONSIDER CONTRACT ID #4350 2021-2022 CRIME VICTIM SERVICES (CVS) INTERGOVERNMENTAL GRANT AGREEMENT AWARD LETTER AND SUMMARY OF GRANT AWARD TERMS AND CONDITIONS FOR THE VICTIMS OF CRIME ACT (VOCA) PROGRAM FOR

THE BILINGUAL ADVOCATE UNIT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Sonja Kohlgraf, Sheriff's Office, requested approval to accept the award amounting to \$171,228.00 in funds over a two (2) year period. Commissioner Ross moved to approve said intergovernmental grant agreement award letter and authorize the Chair to sign and submit electronically. The motion, which was seconded by Commissioner James, carried unanimously.

9) CONSIDER CONTACT ID #4337 AGREEMENT FOR BRIDGE IMPROVEMENTS FOR BRIDGE 86/33A REHABILITATION AND AUTHORIZE CHAIR TO SIGN – WATER SUPPLY AND STORAGE COMPANY: Erich Green, Department of Public Works, detailed the agreement is for access to the Larimer County Canal to complete improvements to Bridge 86/33A and decrease annual maintenance costs. Mr. Green further expanded upon the specific improvements to be completed. He stated total funding from Weld County is not to exceed \$10,000.00. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Commissioner Kirkmeyer seconded the motion and it carried unanimously.

PLANNING:

1) CONSIDER APPEAL OF THE DECISION BY DEPARTMENT OF PLANNING SERVICES TO RESCIND SITE PLAN REVIEW PERMIT, SPR19-0008 – JESUS VEGA: Tom Parko, Director of the Department of Planning Services, stated he rescinded Site Plan Review (SPR) Permit, SPR19-0008, for failure to meet conditions of approval (COA). Mr. Parko stated the SPR permit application was submitted after a zoning violation was initiated and summarized the case timeline. He also provided the Board of County Commissioners with the options to uphold or reverse his decision, the first of which would allow the applicant to reapply through a Change of Zone process. After discussing the COAs that have not been met, Mr. Parko referenced an ongoing court case, which has been continued eleven (11) times and is now scheduled for February 1, 2021. Mr. Parko then reviewed the site location for the record. Tony Evans, Encompass, LLC, represented the applicant and stated he and the applicant are diligently trying to complete the COAs of the SPR, but are having difficulties with the Drainage Plan. Mr. Evans further stated he requires additional time to complete the COAs in relation to the Department of Public Works. In response to Commissioner Kirkmeyer, Mr. Parko confirmed the amount of time that elapsed between the initiation of the zoning violation, pre-application meeting, and submittal of a complete SPR application. Mr. Parko further established the property is in the I-1 (Industrial) Zone District. Zackery Roberson, Department of Public Works, stated staff has requested a drainage report from the applicant for two (2) years. In response to Commissioner Kirkmeyer, Mr. Roberson stated the Road Maintenance Agreement specific to Cedar Avenue has not been submitted, despite the department requesting the agreement in both March and May, 2020. Gabe Kalousek, Assistant County Attorney, then provided the Commissioners with a timeline summary of the court case and stated he intends to move forward with a penalty hearing. In response, Mr. Evans discussed the Municipal Separate Storm Sewer System (MS4) requirement of a retention pond and the grading requirements. In response to Commissioner Kirkmeyer, Mr. Evans clarified a drainage report was submitted, but not all of the requirements of the Department of Public Works were met in the report. Mr. Roberson confirmed the initially submitted drainage report was insufficient. In response to Commissioner Ross, Jesus Vega, applicant, discussed financial difficulties in hiring representation and accomplishing the work to complete the COAs. In response to Commissioner Kirkmeyer, the applicant confirmed he has been in operation since the initial zoning violation. In response to Commissioner Ross, Mr. Kalousek stated the original stipulation of the Courts indicated the applicant agreed to submit the appropriate documentation and remove the unpermitted structures by specific dates, and the amended stipulation extended the deadline to do so. Responding further to Commissioner Kirkmeyer, Mr. Parko confirmed the non-permitted junkyard and unpermitted structures still exist on the property. Commissioner Kirkmeyer moved to uphold the decision by the Department of Planning Services to rescind Site Plan Review Permit, SPR19-0008, and presented her findings that the SPR originated from a zoning violation that was initiated in August 2018, the necessity of a stipulated agreement and an amended stipulated agreement that were

ordered more than a year ago, and the COAs have not been completed. 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. 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 10:09 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Mike Freeman, Chair

Steve Moreno, Pro-Tem

BY: _____
Deputy Clerk to the Board

EXCUSED DATE OF APPROVAL
Scott K. James

Barbara Kirkmeyer

Kevin D. Ross