


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 2, 2018


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, April 2, 2018, 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 Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem
Commissioner Sean P. Conway
Commissioner Julie A. Cozad - EXCUSED
Commissioner Mike Freeman


Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Controller, Barbara Connolly


 **MINUTES:** Commissioner Kirkmeyer moved to approve the minutes of the Board of County Commissioners meeting of March 28, 2018, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on March 28, 2018, as follows: 1) USR17-0060 – Justin Hersh, 2) USR17-0074 – Wes Moser, Inc., c/o Discovery Midstream Partners, and 3) USR17-0078 – Kenneth and Edna Lange, c/o Discovery DJ Services, LLC. Commissioner Conway 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 Freeman seconded the motion, and it carried unanimously.


PROCLAMATIONS:

 1) NATIONAL SERVICE RECOGNITION DAY – APRIL 3, 2018: Chair Moreno read the proclamation declaring April 3, 2018, as National Service Recognition Day. Hannah Hostak, representative of Weld County United Way, stated the Americorps VISTA Program has been in place since 2007. She expressed her appreciation to all participants for their commitment, dedication and patriotism by making an intensive commitment to service. She stated volunteers have assisted in raising over \$4 million dollars and thanked the Board for recognizing the Americorps VISTA members. Each


Commissioner thanked Americorps for all they do out in the community and their assistance to United Way programs and all the different organizations the volunteers assist. *(Clerk's Note: The meeting was paused for a photo opportunity.)*


PRESENTATIONS:


 1) **RECOGNITION OF SERVICES, PURCHASING DEPARTMENT – MARCIA WALTERS:** Chair Moreno read the certificate for the record, recognizing Ms. Walters for her dedicated service to Weld County citizens. Barb Connolly, Controller, presented a plaque and pin to Ms. Walters in recognition of her thirty (30) years of service. Rob Turf, Department of Purchasing, expressed his appreciation for the time he could work with Ms. Walters and everything she taught him. Rose Everett, Department of Purchasing, stated she appreciates the opportunity she had to work with Ms. Walters and that she will be missed. Ms. Walters stated she feels very blessed to have worked at Weld County. Chair Moreno wished her well in her retirement, thanked her for her service to Weld County, and presented her with a card. Each Commissioner expressed their appreciation for her outstanding service to Weld County and stated she will be missed. *(Clerk's Note: The meeting was paused for a photo opportunity.)* Bruce Barker, County Attorney, stated he enjoyed working with Ms. Walters and wished her the best of luck in her retirement.

 **PUBLIC INPUT:** Cody LeBlanc, area representative for Congressman Ken Buck, presented a brief update on one of Congressman Buck's House Bill 4465, which overwhelmingly passed the House, the Endangered Fish Recovery Program's Extension Act which is to protect fish species while ensuring the State's precious water can still be used for recreational use, agriculture and drinking. The legislation is important since Weld County uses a large portion of Colorado's water resources. Commissioner Conway thanked Mr. LeBlanc for his report and stated this is a very important project.


NEW BUSINESS:


 1) **CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES FOR DEMOLITION OF CR 53 DAIRY BARN – AGRITRACK, INC.:** Toby Taylor, Director of the Department of Buildings and Grounds, presented the agreement for the demolition of a barn that needs to be completed for County Road 53 project. He stated staff recommends awarding the informal bid to Agritrack, Inc. Commissioner Conway moved to approve said agreement and authorize Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) **CONSIDER RENEWAL APPLICATION FOR 3.2 PERCENT BEER ON-PREMISE (COUNTY) RETAIL LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – ANA M. LUCERO, DBA POLLO FELIZ:** Bob Choate, Assistant County Attorney, reviewed the renewal application and noted there are no concerns currently, except that last year the State suspended the applicant's license for thirty (30) days for selling beer after their license expired. At the time, the Board required Ms. Lucero and her employees to complete the Responsible Vendor Training but no confirmation has been received by staff that this has been completed. Mr. Choate reported the applicant is not present. In response to Commissioner Conway, Mr. Choate suggested this matter be continued so compliance of the requirements of the renewal in August can be determined. Commissioner Kirkmeyer moved to continue this matter to April 9, 2018, to allow the applicant to complete the training. Seconded by Commissioner Conway, the motion carried unanimously.


 3) **CONSIDER TEMPORARY PERMIT FOR A TAVERN (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – EL CENTENARIO ENTERTAINMENT, LLC, DBA EL CENTENARIO NIGHTCLUB:** Mr. Choate stated the next two (2) items are related. He advised and reviewed there is an application for transfer of ownership for the Tavern license and there are no concerns with the issuance of a Temporary Permit. Bob Dill, attorney and representative of applicant, stated the applicants are asking


the Board to issue a temporary permit. He explained they completely remodeled, and believe they are following all County regulations, concerning health and safety. Lucia Felix, applicant, stated she has put all her employees through TIPS training. Commissioner Conway moved to grant said temporary permit and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

 4) CONSIDER ESTABLISHING THE NEIGHBORHOOD TO BE SERVED, DESIGNATING A COMMISSIONER TO MAKE ON-SITE INSPECTION, AND SETTING THE HEARING DATE CONCERNING THE APPLICATION – EL CENTENARIO ENTERTAINMENT, LLC, DBA EL CENTENARIO NIGHTCLUB: Mr. Choate reviewed the procedure for setting a date for a hearing for the Board to consider the transfer of ownership. Mr. Choate explained to the Board the reason this looks like a new application, is because the new owners have done major renovations. He stated there are no concerns. Commissioner Kirkmeyer moved to set the hearing for April 18, 2018, and to designate Commissioner Cozad to make the on-site inspection and stated she, Commissioner Kirkmeyer, will serve as the alternate. The motion was seconded by Commissioner Conway, and it carried unanimously.

 5) CONSIDER 2017 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) APPLICATION AND AUTHORIZE ELECTRONIC SUBMITTAL: Jennifer Oftelie, Sheriff's Office, presented the application to the Federal Government, for the State Criminal Assistance Program (SCAAP) Grant funds, which are used to offset the costs incurred by housing illegal aliens in jails and prisons. Commissioner Conway moved to approve said application and authorize electronic submittal. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 6) CONSIDER INSTALLATION OF TRAFFIC CONTROL DEVICES AT THE ENTRY POINTS TO WATTENBERG SUBDIVISION: Cameron Parrott, Department of Public Works, reviewed the proposal to install weight restriction signs at the entry points to the Wattenberg Subdivision. He stated the restriction will allow school busses, and trash trucks to enter the subdivision and will protect shallow water lines within the subdivision. In response to Commissioner Kirkmeyer, Mr. Parrott stated he wasn't aware of previous weight restriction signs in the subdivision and the seven (7) ton weight limit was requested by the Public Works operations group. Commissioner Kirkmeyer moved to approve said installation of traffic control devices. The motion, which was seconded by Commissioner Conway, carried unanimously.

 7) CONSIDER STIPULATION OF MINERAL INTEREST AND AUTHORIZE CHAIR TO SIGN – DPG FARMS, LLC: Mr. Choate presented the Stipulation of Mineral Interest. He explained PDC Energy, LLC, is attempting to lease the minerals under the DPG Farms, LLC, property. The County condemned 19 acres of the property for the Weld County Parkway; however, the County did not obtain any mineral interests. PDC Energy, LLC, would like the County to sign a stipulation stating they did not receive any mineral interests as a result of the condemnation. Commissioner Freeman moved to approve said stipulation and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 8) FINAL READING OF CODE ORDINANCE #2018-02, IN THE MATTER OF REPEALING AND REENACTING WITH AMENDMENTS, CHAPTER 29 BUILDING REGULATIONS (NATIONAL ELECTRICAL CODE), OF THE WELD COUNTY CODE (*CONT'D FROM 3/26/2018*): Commissioner Kirkmeyer moved to read Code Ordinance #2018-02 by title only. The motion was seconded by Commissioner Conway, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Jose Gonzalez, Department of Building Inspections, stated this is the final reading and no changes have occurred since Second Reading. No public testimony was offered concerning this matter. Commissioner Kirkmeyer moved to approve on Final Reading. Seconded by Commissioner Freeman, the motion carried unanimously.

PLANNING:



1) CONSIDER AND ACCEPT REPLACEMENT ROAD MAINTENANCE COLLATERAL REGARDING USE BY SPECIAL REVIEW PERMIT, USR-1767 – KONIG AG COMPANY: Evan Pinkham, Department of Public Works, stated the termination date on the letter of credit was approaching and staff requested that Konig Ag Company submit a new form of collateral. He stated staff received a check for \$1,500.00, to replace the letter of credit. In reponse to Commissioner Freeman, Mr. Pinkham reported the collateral is used for road maintenance and the original improvements agreement was approved in 2002. Commissioner Kirkmeyer clarified the collateral is for the maintenance of the road for a gravel mining operation. Elizabeth Relford, Department of Public Works, clarified the road maintenance collateral is different then the collateral for on-site improvements and this collateral is never intended to be given back to the applicant, but is to assist with the County’s road maintenance. Commissioner Kirkmeyer stated she would like to continue this matter to address the policy in a work session. Commissioner Kirkmeyer moved to continue said matter to May 7, 2018. The motion was seconded by Commissioner Conway, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-02 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 9:53 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

BY: _____
Deputy Clerk to the Board

Sean P. Conway

EXCUSED

Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 4, 2018


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, April 4, 2018, 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 Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem
Commissioner Sean P. Conway
Commissioner Julie A. Cozad - EXCUSED
Commissioner Mike Freeman


Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Controller, Barbara Connolly


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of April 2, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.


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

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

 **PUBLIC INPUT:** No public input was given.


BIDS:

 1) APPROVE BID #B1800058, VARIOUS SERVICES (CHILD WELFARE) – DEPARTMENT OF HUMAN SERVICES: Rob Turf, Department of Purchasing, reviewed the nineteen (19) bids received and staff recommends continuing this matter for further evaluation. Commissioner Conway moved to continue this matter to April 25, 2018. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 2) APPROVE BID #B1800075, EXPAND STORAGE CAPACITY ON THE DD4200 – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the four (4) bids received and stated staff recommends awarding to the low bidder, Advanced Network Management (ANM) for a total amount of \$33,675.44.


Commissioner Freeman moved to approve said low bid. Seconded by Commissioner Conway, the motion carried unanimously.


 3) APPROVE BID #B1800059, JAIL 2 WEST EXPANSION (DESIGN BUILD) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the four (4) bids received and stated staff recommends continuing said matter for further evaluation. Commissioner Freeman moved to continue said matter to April 18, 2018. The motion was seconded by Commissioner Conway, and it carried unanimously.


 4) PRESENT BID #B1800076, EROSION CONTROL – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the six (6) bids received and stated staff will bring back a recommendation on April 18, 2018.


 5) PRESENT BID #B1800082, BRUSH CHIPPER – DEPARTMENT OF HUMAN SERVICES: Mr. Turf stated five (5) bids were received and none met specifications, so staff recommends rejecting this bid and rebid without the vertical feed rollers. Commissioner Freeman moved to reject Bid #B1800082. The motion was seconded by Commissioner Conway, and it carried unanimously.

NEW BUSINESS:

 1) CONSIDER SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) GRANT APPLICATION AND AUTHORIZE CHAIR TO SIGN: Judy Griego, Director of the Department of Human Services, stated the application is for funding for the Weld County Youth Conservation Corps to partner with the Weld County Weed Division to expand the removal of invasive species along the Big and Little Thompson Rivers. Ms. Griego stated they are requesting the maximum amount of \$500,000.00. Commissioner Conway moved to approve said application and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 2) CONSIDER CONTRACT ID #1648 AGREEMENT FOR PROFESSIONAL SERVICES FOR DAY TREATMENT EDUCATIONAL COSTS (CHILD SPECIFIC) AND AUTHORIZE CHAIR TO SIGN – SHILOH HOME, INC.: Ms. Griego presented the agreement for Shiloh Home to provide day treatment at the Longmont and Littleton sites. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously. *(Clerk's Note: Subsequent to the hearing, the term date was confirmed.)*


 3) CONSIDER CONTRACT ID #1669 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ROGER AND MICHELLE KIDD: Ms. Griego presented the details of the agreement for Roger and Michelle Kidd to provide a Kinship Foster Care Home in Michigan. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 4) CONSIDER CONTRACT ID #1673 EXPENDITURE AUTHORIZATION FOR WORKFORCE DEVELOPMENT PROGRAMS AND AUTHORIZE CHAIR TO SIGN: Ms. Griego reviewed the terms of the Expenditure Authorization for the Governor's Summer Job Hunt and the Performance Incentive fund. It provides funds labor market information, Workforce Board support, and working with kids for unsubsidized jobs for the summer. Commissioner Freeman moved to approve said expenditure authorization and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 5) CONSIDER CONTRACT ID #1680 AGREEMENT FOR CHILD PROTECTION SERVICES AND


AUTHORIZE CHAIR TO SIGN - DAVSEL VENTURES, INC., DBA DAVIES AND ASSOCIATES: Ms. Griego stated the agreement with Davsel Ventures, Inc., dba Davies and Associates provides offense specific evaluation for juveniles who are in the system. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 6) CONSIDER CONTRACT ID #1703 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – DONNA HAYNES: Ms. Griego reviewed the details for the Foster Home in Weld County but that is being managed by Larimar County on behalf of the Weld County Department of Human Services. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.


 7) CONSIDER CONTRACT ID #1706 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JEFF TAYLOR AND ALEX SILVA: Ms. Griego presented the agreement for a Foster Care Home. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 8) CONSIDER CONTRACT ID #1678 AGREEMENT FOR PROFESSIONAL SERVICES FOR FOSTER PARENT PRIDE CO-FACILITATOR AND AUTHORIZE CHAIR TO SIGN – ERIN SEADER: Ms. Griego reviewed the agreement for mentoring and training of incoming Foster Home Care families. Erin Seader is a certified Foster Parent and will provide information to potential foster and adoptive foster parents. In response to Commissioner Conway, Ms. Griego stated the goal is to retain and recruit more Foster Care Home Families with more informed expectations. Commissioner Conway moved to approve said co-facilitator agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.


 9) CONSIDER CONTRACT ID #1738 CONTRACT AMENDMENT #6 FOR NURSE HOME VISITOR PROGRAM AND AUTHORIZE CHAIR TO SIGN: Tanya Geiser, Department of Public Health and Environment, presented the amendment to the agreement for nurses to provide home visits to low-income, first time mothers residing in Weld County. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 10) CONSIDER CONTRACT ID #1741 AGREEMENT FOR ANCILLARY SERVICES AND AUTHORIZE CHAIR TO SIGN – CIGNA HEALTHCARE OF COLORADO, INC.: Ms. Geiser reviewed the agreement with Cigna HealthCare of Colorado, Inc. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 11) CONSIDER CONTRACT ID #1742 SERVICES AGREEMENT FOR ZIKA ULTRASOUNDS AND AUTHORIZE CHAIR TO SIGN – BANNER HEALTH, DBA NORTH COLORADO MEDICAL CENTER: Ms. Geiser presented the agreement with Banner Health, dba North Colorado Medical Center, to provide the technical component of diagnostic imaging/radiology services for Weld County Prenatal Sunrise patients referred by the Health Department. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 12) CONSIDER RENEWAL APPLICATION FOR A HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – DEWEY’S BAR AND GRILL, LLC, DBA DEWEY’S BAR AND GRILL: Frank Haug, Assistant County Attorney, reviewed the terms of the renewal application and noted there are no concerns from staff referrals. Commissioner Freeman moved to approve said renewal application and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 13) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES (2015/2016) – ATMOS ENERGY CORPORATION AND GILLILAND GROUP PARTNERSHIP NO. 2: Brenda Dones, Assessor’s Office, presented the petition for tax years 2015 and 2016. She stated this property is owned by Gilliland Group Partnership and leased by Atmos Energy Corporation. She explained the issue was if the property was to be locally or state assessed. Ms. Dones reported after it was discovered by Atmos the property was double-assessed, the Assessor’s Office changed the value from \$940,500.00 to zero. Commissioner Conway moved to approve the petition for abatement or refund of taxes. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 14) CONSIDER PETITION FOR ABATEMENT OF REFUND OF TAXES (2017) – ATMOS ENERGY CORPORATION AND GILLILAND GROUP PARTNERSHIP NO. 2: Ms. Dones stated this was both locally and State assessed for tax year 2017, so the Assessor’s Office would like to remove the local assessment and change the value from \$1,026,000.00 to \$0. Commissioner Freeman moved to approve said petition for abatement or refund of taxes. Seconded by Commissioner Conway, the motion carried unanimously.

 15) CONSIDER TEMPORARY CLOSURE OF INTERSECTION AT CRS 74 AND 49: Amy Joseph, Department of Public Works, reviewed the details of the closure beginning April 17, 2018, through April 20, 2018, for an irrigation culvert replacement. She stated staff will use magnesium chloride for dust abatement. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Conway, and it carried unanimously.

 16) CONSIDER TEMPORARY CLOSURE OF CR 8 BETWEEN CRS 27 AND 37: Ms. Joseph presented the closure effective April 17, 2018, through April 20, 2018, for an irrigation culvert replacement. She stated staff will use message boards and standard road signs, as well as barricades. Commissioner Conway moved to approve said temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 17) CONSIDER DECLARING CERTAIN EQUIPMENT AS SURPLUS PROPERTY, APPROVE SALE OF SAME AT AUCTION WITH ROLLER AND ASSOCIATES, AND DELEGATE AUTHORITY TO CONTROLLER TO SIGN ANY NECESSARY DOCUMENTS: Barb Connolly, Controller, presented the list of vehicles ready to go to auction. Commissioner Kirkmeyer moved to declare said equipment as surplus property, approve sale at auction, and authorize the Controller to sign any necessary documents. Seconded by Commissioner Freeman, the motion 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 9:20 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

EXCUSED

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 9, 2018


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, April 9, 2018, 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 Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem
Commissioner Sean P. Conway
Commissioner Julie A. Cozad
Commissioner Mike Freeman


Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Controller, Barbara Connolly


 **MINUTES:** Commissioner Kirkmeyer moved to approve the minutes of the Board of County Commissioners meeting of April 4, 2018, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Cozad moved to approve the Certification of Hearings conducted on April 4, 2018, as follows: 1) COZ17-0007 – James and Judy Docheff, 2) USR17-0075 – Discovery DJ Services, LLC, and 3) USR17-0067 – Robert Seltzer Family Trust. Commissioner Freeman 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 Cozad seconded the motion, and it carried unanimously.


PROCLAMATIONS:


 1) NATIONAL CRIME VICTIMS' RIGHTS WEEK – APRIL 8-14, 2018: Chair Moreno read the proclamation to recognize April 8, through 14, 2018, as National Crime Victims' Rights Week, and an opportunity to recognize the many individuals and organizations who assist people at a very vulnerable time in their lives. Michael Rourke, District Attorney, stated the County has an incredible group of victim services, organizations, and providers available to assist crime victims. He announced Friday, April 13, 2018, is the Weld County Victims' Rights week event and the focus will be "*Crimes of the Road*". He submitted a schedule of events, as Exhibit A, and recognized the individuals and groups who would be

participating. Steve Reams, Sheriff, stated Mr. Rourke presented the recognition well and extends his appreciation for all the work each individual and organization does for the County. Each of the Commissioners expressed their appreciation to the individuals, organizations and providers for helping victims of crime rebuild their lives and move forward. Commissioner Kirkmeyer stated they should call them survivors instead of victims of crime and thanked Sheriff Reams and his staff for patrolling the U.S. Highway 85 corridor to help reduce the crime and enhance the safety along the Highway. Commissioner Conway stated they interact with people on the worst day of their lives, and help guide them through the process. Commissioner Cozad stated crime affects people of all levels and makes them feel vulnerable and the services provided are critical to the families and people affected by crime. Each Commissioner thanked the Sheriff's Office and District Attorney's Office, on behalf of the residents of Weld County for their leadership. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 2) ERIC WILKINSON DAY – APRIL 9, 2018: Chair Moreno read the certificate for the record, recognizing Mr. Wilkinson for his contributions and leadership to the Northern Colorado Water Observatory District, as the General Manager. Mr. Wilkinson recognized his wife of 44 years, Janice Wilkinson, for supporting him and being his rock. He stated the Colorado Big Thompson Project is responsible for making Northeastern Colorado a viable agricultural and now diverse economic center for the entire nation. He stated the State of Colorado's growth is causing a need for adequate water management. He reported the Northern Colorado Water Observatory District is pursuing two (2) water projects and then acknowledged the Commissioners for their support with the projects. He announced Brad Winn will be his successor and is confident he will do an outstanding job as General Manager. Commissioner Conway reported he served with Mr. Wilkinson on the South Platte Round Table Board for nine (9) years and he feels fortunate to have worked with him. Commissioner Cozad recognized Mr. Wilkinson for his contributions to the water districts in Weld County. Each Commissioner acknowledged Mr. Wilkinson's leadership, the legacy he leaves, and that he has mentored a lot of great people. They congratulated Mr. Wilkinson on his retirement and extended their well wishes. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 **PUBLIC INPUT:** Gene Kammerzell, resident of Milliken, expressed his frustration with the lack of communication from CDOT during their project of rebuilding a bridge on Highway 60 across the Platte River at his property. He stated he has no objection to the construction of the bridge, but rather how it is being planned. He stated the designs he has been presented show the project will take 90 acres of his farm and turn the area into a 400-year flood event, instead of a 100-year flood event. He stated this will be caused by moving County Road 46, and extending the bridge to the north. He requested assistance from the Board to advocate his issues to CDOT. Commissioner Cozad announced she and Elizabeth Relford, Department of Public Works, and Representative Saine would meet at Mr. Kamerzell's property on Monday, April 16, 2018, to look at some initial drawings from an engineer. Commissioner Kirkmeyer suggested inviting Tom Parko, Director of the Department of Planning Services, Diana Aungst, Department of Planning Services, and Don Dunker, Department of Public Works, to meet at Mr. Kamerzell's property, as well. In response to Commissioner Conway, Mr. Kamerzell isn't concerned about the lights from traffic due to the elevation of County Road 46.


 Richard Grimaud, resident of Johnstown, requested clarification about the County Attorney's Office representing Commissioner Cozad, during the Ethics Investigation and demanded to know who is paying for Commissioner Cozad's past and present representation. Bruce Barker, County Attorney, stated there was a work session in February, 2018, where the Board agreed they will reimburse Commissioner Cozad for her legal fees incurred during her ethics investigation. Mr. Barker explained the Board can approve the reimbursement of legal fees for Commissioner Cozad because the issue that was handled by the Attorney on behalf of Commissioner Cozad, dealt with the Home Rule Charter and he has no concerns with it being a conflict of interest.


 Commissioner Kirkmeyer reported she supports the County Attorney in his representation of Commissioner Cozad and paying for her legal fees, because it a jurisdictional issue for Weld County and announced all five (5) Commissioners voted in support of the County Attorney representing Commissioner Cozad, as well as, reimbursing her for her legal fees.

BIDS:


 1) APPROVE BID #B1800044, ELECTRONIC MONITORING EQUIPMENT AND OFFENDER SUPERVISION SERVICES – DEPARTMENT OF JUSTICE SERVICES: Rob Turf, Department of Purchasing, presented the five (5) bids received and stated staff recommends continuing this matter. In response to Commissioner Kirkmeyer, Mr. Turf stated they need time to schedule a work session, to evaluate the bids and then make a final decision. Mr. Turf stated the Department is considering not awarding to the low bidder. Commissioner Freeman moved to continue to this matter to April 23, 2018. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 2) APPROVE BID #B1800078, ROAD BASE SUPPLY (CLASS 6) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff recommends awarding to the low bidder, Mill Iron Mining. Commissioner Cozad moved to approve said low bid. Seconded by Commissioner Freeman, the motion carried unanimously.


 3) PRESENT BID #B1800041, BRIDGE 68/59A REPLACEMENT PROJECT – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the twelve (12) bids received and stated staff will bring back a recommendation on April 23, 2018.

 4) PRESENT BID #B1800074, 2 EAST TRAINING ROOM AV – DEPARTMENT OF BUILDING AND GROUNDS: Mr. Turf presented the three (3) bids received and stated staff will bring back a recommendation on April 23, 2018.


OLD BUSINESS:


 1) CONSIDER RENEWAL APPLICATION FOR 3.2 PERCENT BEER ON-PREMISE (COUNTY) RETAIL LICENSE AND AUTHORIZE CHAIR TO SIGN – ANA M. LUCERO, DBA POLLO FELIZ (*CONT'D FROM 4/2/2018*): Frank Haug, Assistant County Attorney, stated the owner is present who was required to complete the Responsible Vendor Training which has not been completed. Mr. Haug reviewed three (3) options available to the Board. The first is for the Board to approve, the second option is to continue to this matter to allow the applicant to complete the training, and the last option is to deny the renewal application. He stated if the Board denies the renewal, they will conduct a hearing and go through the requirements in Sections 12-2-40 and 12-2-50 of the Code. Mr. Haug suggested continuing this matter to allow the applicant to complete the training. Ana Lucero, applicant, stated she has another business and she hasn't been there to receive her mail. In response to Chair Moreno, Ms. Lucero stated she is in the process of selecting a class time to complete the training. In response to Commissioner Conway, Ms. Lucero stated she understands what needs to be completed before her license is renewed. Commissioner Kirkmeyer moved to continue this matter to May 14, 2018. The motion, which was seconded by Commissioner Conway, carried unanimously. Commissioner Conway reported he wants the applicant to have completed the Responsible Vendor training before returning in May.


NEW BUSINESS:


 1) CONSIDER RENEWAL APPLICATION FOR A LIQUOR STORE (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – CROW VALLEY LIQUORS, LLC, DBA CROW VALLEY LIQUORS: Mr. Haug presented the renewal application and noted there are no concerns from staff; therefore; he


recommends approval. Commissioner Freeman moved to approve said renewal application and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 2) CONSIDER SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) GRANT APPLICATION FOR LEAD HAZARD CONTROL AND AUTHORIZE CHAIR TO SIGN: Dr. Mark Wallace, Director of the Department of Public Health and Environment, reviewed the application funding to provide outreach to at-risk children and families, as well as, assessment and control of lead exposure in a minimum of twenty (20) homes, and update lab equipment to assist schools in meeting the requirement for the presence of lead. In response to Chair Moreno, the amount the Department is applying for \$423,500.00. In response to Commissioner Conway, Dr. Wallace stated the mitigation will be to remove the home's paint by a certified company to meet the federal guidelines. Commissioner Conway moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 3) CONSIDER SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) GRANT APPLICATION FOR MASTER POLLUTION PREVENTION PLAN AND AUTHORIZE CHAIR TO SIGN: Elizabeth Relford, Department of Public Works, reviewed the SEP application to equip the Department of Public Works with a Master Pollution Prevention Plan. The project would include the installation of a trench drain and evaporation pond to collect salt residue from the salt and sand storage shed area. Ms. Relford stated this project has not been identified in the budget. In response to Commissioner Cozad, Ms. Relford stated the amount of \$270,000.00 will cover three (3) stormceptors. Commissioner Cozad clarified that if the full amount of \$500,000.00 is not received, the project can be split into phases. Commissioner Kirkmeyer moved to approve said application and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 4) CONSIDER ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT AGREEMENT FOR IMPROVEMENTS TO CR 90 BETWEEN CRS 45.3 AND 57 (TIER II) AND AUTHORIZE CHAIR TO SIGN: Ms. Relford requested the Chair's signature when the contract is received, because they are expediting this project and have construction beginning in June, 2018. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously. Commissioner Kirkmeyer suggested streamlining the approval process so projects like this one are not delayed.


 5) CONSIDER CONTRACT ID #1743 MODIFICATION OF AGREEMENT FOR NOXIOUS WEED TREATMENT AND AUTHORIZE CHAIR TO SIGN: Tina Booton, Pest and Weed Division, reviewed the fourth modification of the agreement with the United States Department of Agriculture and the Forest Service to treat noxious weeds on the Pawnee National Grasslands. She stated the modification will award Weld County an additional \$16,500.00 and the use of the Forest Service equipment. Commissioner Conway moved to approve said modification of agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.


 6) CONSIDER DISCOVER WELD COUNTY PARTNERSHIP AGREEMENT AND AUTHORIZE CHAIR TO SIGN – THE TRIBUNE: Jennifer Finch, Public Information Officer, presented the agreement to purchase sixteen pages of advertising in a magazine the Greeley Tribune publishes and distributes around the County and in three (3) States. Commissioner Conway stated he has concerns with the low distribution area of the publication. Commissioner Cozad stated she will approve this, but would like to take another look at the future value for the County; however, She stated it is important to advertise Weld County as a tourist destination. Ms. Finch stated some businesses are returning the publication or canceling it. Commissioner Conway expressed an evaluation needs to take place to see if the money


can be better spent to advertise Weld County. Upon a roll call vote, the motion passed four to one with Commissioner Conway opposed.


 7) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – S7, T5N, R65W: Esther Gesick, Clerk to the Board, reviewed the terms of the six (6) month extension of the Oil and Gas Lease for the total amount of \$661.16 for a 1.6529-acre parcel. Commissioner Freeman moved to approve said extension of Oil and Gas Lease. The motion was seconded by Commissioner Conway, and it carried unanimously.


PLANNING:


 1) CONSIDER RECORDED EXEMPTION, RECX18-0007- KEN BROUGH: Ryder Reddick, Department of Planning Services, presented the request for a two (2) lot Recorded Exemption for Lot B. He stated on August 20, 2010, the property was sold, but Mr. Brough bought it back after three (3) years in 2013. The applicant had no prior knowledge that the Code had changed in 2010 and has always intended on splitting the lot. Mr. Reddick displayed slides showing the details of the property. At the request of Commissioner Kirkmeyer, Mr. Reddick pointed out all the accesses and stated a WOGLA permit was issued in 2017 for the larger access.


 Ken Brough, applicant, stated he wants to build a house on the highest part of the pasture, since it is hard to irrigate. He stated he wants to put in a well and will obtain a well permit. Lisa Dale, daughter of applicant, stated her mother recently passed away and her father needs to downsize.


 In response to Commissioner Conway, Mr. Brough stated he was not aware the County Code had changed in 2010, to 35 acres, and confirmed he will reside on the property.


 In response to Commissioner Kirkmeyer, Mr. Brough pointed to the house on the corner of the parcel and explained there are three (3) houses to the north which use the same access. He further stated there is a 15-acre easement on the west and the other fifteen (15) acres will be from his property. He stated he does not have an agreement for the easement to the new lot.


 Judy Patterson, representative of the applicant, stated the existing road has been there for a while but she wasn't sure if it has been recorded.


 In response to Commissioner Kirkmeyer, Mr. Reddick stated this Recorded Exemption meets the intent and other provisions within the Code. Commissioner Kirkmeyer stated after this land split, Lot B is no longer eligible for any more land splits.


 Commissioner Cozad confirmed if the Recorded Exemption is approved, a total of six (6) lots have been created. Ms. Patterson stated the previous owner split the lot to build a home. Commissioner Cozad agreed that Lot B can not be split again. Mr. Reddick stated one of the Conditions of Approval is to meet with the Town of Fort Lupton to consider annexing as an option. Commissioner Cozad stated if public water and sewer are available, they may have to connect to a public water source instead of building another well and the Health Department can provide additional conditions to the plat regarding this.


 Commissioner Freeman stated he doesn't see a need to add the condition to the Recorded Exemption. Mr. Brough stated the public water supply is located about 1,000 feet to the west.


 Commissioner Kirkmeyer suggested deleting “attempt to” from COA #1.D so the applicant addresses the concerns from Fort Lupton Fire District. Mr. Burough stated his home will be visible from the road once the drilling site is gone. Commissioner Kirkmeyer suggested adding “*attempt to*” to COA #1. E.


 Bruce Barker, County Attorney, suggested the following sentence be added to Condition of Approval #1.1.9: “*The applicant acknowledges the owners of Lots A and B will be required to connect to public water if the line for the same is located within 400 feet of said Lot A or B.*” In response to Commissioner Conway, Mr. Barker stated the language doesn’t mirror the Colorado statute, but the requirement is 400 feet from the property line so it is similar.


 Commissioner Cozad suggested adding a note on the plat that Lot B cannot be further split so that people are aware of the Code. Mr. Reddick referred to Condition of Approval # 7 and Commissioner Cozad announced she felt confident that the language was sufficient.


 Commissioner Kirkmeyer stated she doesn’t feel this note is adequate for the plat and stated not knowing the Code changed does not qualify as an extenuating circumstance. Commissioner Conway stated there could be extenuating circumstances in the future which may need to be heard by the Commissioners.

 Commissioner Freeman agrees this parcel should not go through another land split, but they can’t make decisions for future Boards by decisions made today.


 Commissioner Cozad moved to approve the Recorded Exemption with the changes made to the resolution, based on extenuating circumstances. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Conway stated he agrees with the approval of the Recorded Exemption because of the extenuating circumstances of family issues.


 (Clerk’s Note: *The meeting was recessed at 10:46 a.m. and reconvened at 10:54 a.m.*)


 2) CONSIDER PROBABLE CAUSE HEARING, PCSC18-0005, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR16-0029 – REYNALDO BONILLA: Chris Gathman, Department of Planning Services, clarified this is for USR16-0029, because, 1MJUSR17-16-0029 is still pending and gave a brief summary of the history of the facility. He stated the site is on Lot A of Recorded Exemption, RE-4329. He stated on February 11, 2017, staff received notification there was a horse racing event, and as a result there was a meeting held with Mr. Bonilla and his representative, Deanne Frederickson. Mr. Gathman stated the application for the Major Amendment, 1MJUSR17-16-0029 is still pending and it has been continued several times to resolve issues of ditch access. Mr. Gathman stated staff has received several complaints that there are horse racing events occurring on the property, and when he met with the applicant, Mr. Bonilla stated he would not hold anymore horse racing events on site. He reviewed the Development Standards #1, 6, 30, and 31 of which staff believes they are in violation and stated the Board has two (2) options; either dismiss the Probable Cause Hearing or schedule a Show Cause Hearing. In response to Commissioner Kirkmeyer, Mr. Gathman stated the video he displayed was from a link on Facebook and he wasn’t sure if the music on the video was coming from the property. In response to Commissioner Conway, Mr. Gathman stated there is no date stamp on the video; however, Mr. Bonilla confirmed this was an event on his property.


 Deanne Frederickson, AGPROfessionals, stated the original USR16-0029, was approved on January 11, 2017, and allowed an existing horse arena and track as the intended uses, along with a


proposed event structure and at the time, it was assumed the track could be used for training. She stated the Code is unclear about the difference of the uses of the track for training or match racing. Ms. Frederickson stated the language in a Temporary Assembly is very unclear and advised Mr. Bonilla to limit the daily trips to sixty (60) per day. Mr. Bonilla has stated it is hard to limit trips to 60 per day because he has to turn people away who come to watch the events. She stated her client uses the facility to train horses for horse racing, and his daughters are in 4H. Ms. Frederickson stated Mr. Bonilla confirmed there would be match racing on the property, but there is negative press about horse racing. She reported Mr. Bonilla has complied with all Development Standards on his USR; therefore, there are no violations of his USR.


 Robert Mock, Veterinarian, stated he has practiced equine medicine for 44 years, and reported the track is safe, in good condition, he has witnessed the horses being well cared for, and the facility is clean and safe.


 In response to Commissioner Kirkmeyer, Dr. Mock stated he has not been present on the Bonilla property when there has been a race. He explained they run horses against one another which constitutes training. When they train the horses, people are in full race gear with numbers on the jockey's uniform and there are large crowds that follow the horses.


 In response to Commissioner Conway, Dr. Mock stated the racing of horses against one another is typical of a training exercise and the horses must qualify for the bigger race events.

 Bill Garcia, legal representative, stated training activities do not violate the USR, nor do the small group assemblies. He referred to Development Standard #1 which allows up to 200 attendees; therefore, the training activities and the evidence presented does not violate the USR or demonstrate commercial training activities. Mr. Garcia suggested clarification needs to be made of what constitutes an event for a temporary assembly application.


 Reynaldo Bonilla, applicant, stated he spoke to and reviewed the videos with Mr. Gathman. He stated he didn't know he was in violation and wants to have a place where people can train their horses. He stated he has security and other individuals who work and monitor the property when he can't be there. Mr. Bonilla stated after he spoke with Mr. Gathman, he promised to close the facility and not allow people to come to his facility. He wants to have a place for people to enjoy themselves and bring their families. He explained he grew up in the horse industry and his daughters are in 4H.


 In response to Chair Moreno, Mr. Bonilla stated that training occurs during the week, as well as on the weekend, since horse training occurs every day.


 In response to Commissioner Kirkmeyer, Mr. Bonilla stated he didn't understand the rules but he closed the facility. He doesn't know what occurred on his property on February 11, 2018, since it has been so long ago and he wasn't there. He stated he has hired security who enforce that there are less than 200 people at these events and he has not personally witnessed gambling occurring on the site. He explained they train the horses by riding them and letting them race another horse. They put them in the starting gates and require them to race against another horse at least once a week. He explained a lot of training is to get the horse out of the starting gates which occurs at least three (3) times a week. He stated a rule of his is that the jockeys must wear their full gear while training. He stated he is trying to be a good neighbor and he hasn't heard complaints from his immediate neighbors.


 Commissioner Cozad stated she has concerns about Mr. Bonilla being in compliance with Development Standard #3. He stated there has not been over 200 people at the events center and he charges people at the gate to watch the training. Mr. Bonilla stated he does not charge the owners of the horses, and the fee provides restrooms and security. Commissioner Cozad referred to Development Standard #5, and indicated Mr. Bonilla has violated the condition by exceeded the sixty (60) trips per day.


 In response to Chair Moreno, Mr. Bonilla stated the charge is \$10.00 per car, for spectators.


 Commissioner Conway clarified with Mr. Bonilla that he was not on the property on February 11, 2018, and this event was part of the training.


 In response to Commissioner Cozad, Mr. Garcia clarified what constitutes a commercial activity and stated Mr. Bonilla is not making a profit, because he has the expenses of restrooms, water and security.


 In response to Commissioner Conway, Mr. Bonilla stated security is located at the gate and is there to make sure there is nothing illegal happening and for safety reasons.


 In response to Commissioner Kirkmeyer, Mr. Bonilla stated he pays the individual at the gate who oversees security.


 Adrian Morales, Jockey and friend of applicant, stated he rides and trains the horses and they race the horses as part of their training. Mr. Morales stated the horses must be trained for safety reasons and to learn to race.


 Jesus Sanchez, resident of Fort Lupton, stated he supports Mr. Bonilla's training facility and he is taking his two (2) year old colt there to be trained to race and how to use the starting gates. In response to Chair Moreno, Mr. Sanchez stated he was using the facility once a week, but since the training facility is closed he has had to send his horse to another training facility.


 In response to Commissioner Conway, Mr. Sanchez stated the video is consistent with a horse owner training the horse to get ready for a race.


 In response to Commissioner Cozad, Mr. Bonilla stated he hasn't talked with his adjacent neighbors. Commissioner Cozad stated he is not in compliance with the sixty (60) trips per day. Mr. Bonilla stated he has not kept records of how much money has been collected at the gate when people pay the entrance fee. Commissioner Cozad stated Mr. Bonilla should track how many people are coming in and out by how much money he makes at the gate. She asked for clarification of the definition of commercial activity, because she believes it doesn't matter if they make a profit or not.


 In response to Chair Moreno, Mr. Bonilla stated the security guard keeps track of the number of people coming on the property, but he was not prepared with an exact number.


 Bob Choate, Assistant County Attorney, verified the definition of commercial is very broad and would include a fee for contract or barter. He suggested the Board decide if the track is being used as a commercial race track, which are not Uses by Right, but rather Uses by Special Review.


 Commissioner Kirkmeyer stated there is a violation, but she has a better idea of what "training" means. She agrees with Commissioner Cozad that if Mr. Bonilla is charging a fee or bartering, that is considered a commercial activity without a permit or an amendment to his USR.


 Commissioner Freeman explained the events taking place on the property aren't any different than watching roping events and he believes training is taking place and Mr. Bonilla shouldn't be required to have a Temporary Assembly Permit for training activities. He stated his only concern is that they are charging an entrance fee.


 Commissioner Cozad stated Development Standard #5 states they are limited to sixty (60) trips per day, but if they hold an event, Mr. Bonilla would need to obtain a Temporary Permit. Commissioner Freeman stated he doesn't disagree with Commissioner Cozad, but people coming to train horses or watch does not constitute an event.

 Chair Moreno stated he has concerns with Mr. Bonilla charging a fee because this constitutes a commercial activity. Commissioner Kirkmeyer explained if Mr. Bonilla has any event at the facility he will need to get a Temporary Assembly.

 Commissioner Conway verified training is occurring at the facility, which has been documented by a veterinarian, rider and a horse owner, and there is no record Mr. Bonilla exceeded sixty (60) trips per day, he has security presence to prevent any illegal activity occurring.

 Commissioner Kirkmeyer expressed her concern with Mr. Bonilla charging people \$10.00 a vehicle, hiring security, and having a veterinarian on site, makes this a commercial event which is a violation of Development Standard #6.

 Mr. Bonilla suggested he could accept donations at the gate, instead of charging a fee. In response to Commissioner Cozad, Mr. Bonilla stated he will track the trips per day and not exceed the sixty (60) trips per day.

 Based on Mr. Bonilla's commitment to track and limit trips to sixty (60) per day, and only accept donations for an entrance, which addresses Development Standards #5 and #6, Commissioner Cozad moved to dismiss the Probable Cause, PCSC18-0005, and seconded by Commissioner Kirkmeyer, the motion passed unanimously. Commissioner Kirkmeyer expressed her appreciation to Mr. Bonilla for coming in and explaining what constitutes training, so there is a better understanding of what is taking place at the facility. She also stated she was happy to work with Mr. Bonilla because there were no complaints from his immediate neighbors. Commissioner Conway agreed with the dismissal of the probable cause because of the evidence presented. Commissioner Cozad thanked everyone for coming in and educating the Board and staff what constitutes training, and believes horse racing is an important part of the local culture.

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 12:10 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

EXCUSED DATE OF APPROVAL

Steve Moreno, Chair

Weld County Clerk to the Board

Barbara Kirkmeyer, Pro-Tem

BY: _____

Deputy Clerk to the Board

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 11, 2018


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, April 11, 2018, 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 Steve Moreno, Chair - EXCUSED
Commissioner Barbara Kirkmeyer, Pro-Tem
Commissioner Sean P. Conway
Commissioner Julie A. Cozad
Commissioner Mike Freeman

Also present:


County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Controller, Barbara Connolly


 **MINUTES:** Commissioner Cozad moved to approve the minutes of the Board of County Commissioners meeting of April 9, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

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


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


PROCLAMATIONS:

 1) DAY OF THE YOUNG CHILD – APRIL 14, 2018: Chair Pro-Tem Kirkmeyer read the certificate for the record celebrating April 14, 2018, as the Day of the Young Child. Sheri Hannah-Ruh, Director for Promises for Children at United Way of Weld County, thanked the Board for the proclamation and their support for over twenty (20) years. She extended an invitation for the Children's Festival on Saturday, which is a free event to benefit children in Weld County. Each Commissioner recognized all the work United Way does to host a great event, as well as the partnership and support they give to children. They thanked the members of United Way for being present at the meeting and for all they contribute to Weld County. *(Clerk's Note: The meeting was paused for a photo opportunity.)*


 **PUBLIC INPUT:** No public input was given.


BIDS:


 1) APPROVE BID #B1800046, IT DATA LOSS PREVENTION (DLP) SOLUTION – DEPARTMENT OF INFORMATION TECHNOLOGY: Jessica Raymond, Department of Information Technology, presented the five (5) bids received and stated staff recommends awarding to the second low bidder, Global Technology Resources, Inc., for the first year cost of \$82,007.19. In response to Commissioner Freeman, Ms. Raymond stated the low bid did not meet specifications, so staff recommended the second low bid. Commissioner Conway moved to approve said bid as recommended by staff. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 2) PRESENT BID #B1800072, BRIDGE 53/58A REPLACEMENT PROJECT – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, presented the eleven (11) bids received and stated staff will bring back a recommendation on April 25, 2018.


NEW BUSINESS:

 1) CONSIDER RENEWAL APPLICATION FOR 3.2 PERCENT BEER OFF-PREMISES (COUNTY) RETAIL LICENSE AND AUTHORIZE CHAIR TO SIGN - CARPCO, LLC, AND 7-ELEVEN, INC., DBA 7-ELEVEN STORE 39510A: Frank Haug, Assistant County Attorney, reviewed the renewal application and noted there have been 88 calls for service; however, the Sheriff's Office reported the calls are due to its location in a high traffic area and were not in relation to the liquor establishment. Commissioner Cozad explained she did a visit of the neighborhood and didn't have concerns. Commissioner Freeman moved to grant said license renewal and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – LLOYD LAND AIRPORT, LLC: Chris Woodruff, presented the petition for abatement for tax year 2017 and stated it was first assessed as commercial property. Mr. Land protested the value, and after further investigation of the interior and exterior of the property, staff found it is an agricultural endeavor and used for personal use. He stated the correct value is \$610,612.00 and the abatement is \$554,959.00. Commissioner Conway moved to approve said petition for abatement or refund of taxes. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – MOUNTAIN VIEW FIRE PROTECTION DISTRICT: Mr. Woodruff stated the Weld County Assessor’s Office assessed this as commercial property and it should be a tax exempt property. Commissioner Conway moved to approve said petition for abatement or refund of taxes. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 4) CONSIDER TRANSACTION FEE SERVICE AMENDMENT FOR GOV2GO ONLINE MOTOR VEHICLE REGISTRATION RENEWAL SERVICE AND AUTHORIZE CLERK AND RECORDER TO DIGITALLY E-SIGN AND SUBMIT – COLORADO INTERACTIVE: Carly Koppes, Clerk and Recorder, presented the agreement for an online app to encourage residents to renew their vehicles online and this amendment will lower the credit card fees. Commissioner Cozad moved to approve said amendment and authorize the Clerk and Recorder to digitally e-sign and submit. Seconded by Commissioner Freeman, the motion carried unanimously.

 In response to Commissioner Conway, Ms. Koppes stated the Colorado Department of Revenue will close all sixty-four (64) Clerk and Recorder’s Offices on August 1, 2 and 3, 2018, and the Driver’s License Office will also be shut down August 2, and 3, 2018, to implement a software change. She stated it will be important to notify the public so they can plan accordingly.

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 9:22 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

EXCUSED

Steve Moreno, Chair

Weld County Clerk to the Board

Barbara Kirkmeyer, Pro-Tem

BY: _____

Deputy Clerk to the Board

Sean P. Conway

Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 16, 2018


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, April 16, 2018, 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 Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem
Commissioner Sean P. Conway
Commissioner Julie A. Cozad
Commissioner Mike Freeman


Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Controller, Barbara Connolly


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of April 11, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on April 4, 2018, as follows: 1) COZ18-0001 – Union Farms Development, LLC, and 2) USR17-0064 – Lorena Garcia. Commissioner Kirkmeyer seconded the motion, which carried unanimously.


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


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

PRESENTATIONS:


 1) AWARD FOR EXCELLENCE FOR CR 47 AND STATE HIGHWAY 392 INTERSECTION IMPROVEMENTS – COLORADO/WYOMING CHAPTER OF ACPA: Chair Moreno read the award presented to the Department of Public Works and Interstate Highway Company (IHC) from the Colorado/Wyoming Chapter of the American Concrete Paving Association, recognizing them for paving municipal streets and intersections with less than 30,000 cubic yards of materials used. He stated they also will be competing for a National Award in November, 2018. Greg Frazee, representative of Interstate Highway Company, (IHC) stated they could excel with this project because of the excellent partnership and teamwork with Weld County. Jay McDonald, Director of the Department of Public Works, stated he


is extremely proud of the Department of Public Works and IHC. Each of the Commissioners extended their appreciation for the excellent project management, working as a team and for recognizing safety concerns. Commissioner Kirkmeyer stated Weld County finished this RAMP Project on time and within the budget. They thanked everyone for a job well done and making Weld County look good.


 2) AWARD FOR EXCELLENCE FOR CR 49 DESIGN BUILD INTERSTATE 76 TO U.S. HIGHWAY 34 – COLORADO/WYOMING CHAPTER OF ACPA: Chair Moreno read the award recognizing the Department of Public Works, for the County Road 49 Design Build project, rated the best Portland cement concrete road. Each Commissioner stated they are proud of the Weld County staff who worked on this project. Commissioner Kirkmeyer thanked everyone for their contributions and shared the history to accomplish the County Road 49 project. She thanked Don Warden, Director of Finance and Administration, and Bruce Barker, County Attorney, for putting together the legislation to get the project done. Weld County is the only county in Colorado that can claim a County Highway. Commissioner Cozad stated she appreciates everyone working together cohesively on this project and making travel safer. Chair Moreno expressed his appreciation in the partnerships with the municipalities. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 **PUBLIC INPUT:** Dave Kisker, resident of Johnstown, addressed the findings by the court, and referenced a recent news article, and expressed his hope that Martin Marietta would follow the mandate of the courts.


BIDS:


 1) PRESENT BID #B1800085, CHIP SEAL OIL SUPPLY – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, presented the two (2) bids received and stated staff will bring back a recommendation on April 30, 2018.


 2) PRESENT BID #B1800086, WELD COUNTY 1105 H STREET REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the seven (7) bids received and stated staff will bring back a recommendation on April 30, 2018.


 3) PRESENT BID #B1800088, EMULSION DUST CONTROL AGENT – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the sole bid received and stated staff will bring back a recommendation on April 30, 2018. In response to Commissioner Conway, Mr. McDonald stated staff was not sure why they received only one (1) bid, but intended to determine that during staff's review.


NEW BUSINESS:


 1) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – COLORADO FEEDLOT HORSES CORPORATION: Frank Haug, Assistant County Attorney, presented the special events permit application for a fundraiser for Colorado Feedlot Horses who rescue horses being sent to slaughter. Mr. Haug stated the concerns which were brought forth during the application process have been addressed. He explained the event is being held on a 35-acre property and they will have portable toilets. Bob Casslen, applicant, stated there are two (2) organizations involved. The first organization is the Colorado Horse Rescue and the second smaller organization, is Colorado Feedlot Rescue, who rescue about 10,000 horses a year, throughout the United States. Commissioner Kirkmeyer moved to approve said application and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously. In response to Commissioner Kirkmeyer, Mr. Casslen stated he will send more information about the event being held on June 9, 2018.

 2) CONSIDER LICENSE AGREEMENT FOR USE OF PLAZA AREA (822 7TH STREET) AND AUTHORIZE CHAIR TO SIGN – GREELEY FIESTA, INC. Toby Taylor, Director of Buildings and Grounds, reviewed the terms of the agreement to allow Greeley Fiesta, Inc., to hold a Cinco De Mayo celebration at the downtown plaza. Commissioner Cozad stated the applicant will need to obtain other permits, such as, liquor permits, etc., through the City of Greeley. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 3) CONSIDER AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – MAXIMUS CONSULTING SERVICES, INC: Barb Connolly, Controller, presented the annual agreement to retain Maximus Consulting, an independent contractor, who will prepare the Cost Plan to get reimbursement from the State of Colorado for Human Services and other County Services. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 4) CONSIDER TEMPORARY CLOSURE OF CR 74 BETWEEN CRS 47 AND 49: Amy Joseph, Department of Public Works, presented the closure, effective April 23, 2018, through May 25, 2018, for a bridge re-deck, and guardrail and abutment repairs to Bridge 74/47A. Due to the amount of time for the closure and the gravel detour route, staff will use magnesium chloride for dust abatement. Commissioner Cozad moved to approve said temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 5) CONSIDER TEMPORARY CLOSURE OF CR 45 BETWEEN CRS 40 AND 42: Ms. Joseph reviewed the terms of the closure, effective April 24, 2018, through April 27, 2018, to replace a drainage culvert. She stated staff will use water for dust abatement on the gravel detour route. Commissioner Conway moved to approve said temporary closure. Seconded by Commissioner Cozad, the motion carried unanimously.


 6) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR TRANSFER OF RIGHTS-OF-WAY AND EASEMENTS AND THE DISCONNECTION OF PROPERTY AND ACCEPT QUIT CLAIM DEED AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – TOWN OF FIRESTONE: Bruce Barker, County Attorney, reviewed the Intergovernmental Agreement which the Town of Firestone approved. He referred to page 15 of the agreement and reviewed the language in the deed. Commissioner Conway moved to approve said intergovernmental agreement and authorize the Chair to sign all necessary documents. The motion was seconded by Commissioner Cozad, and it carried unanimously. Each Commissioner thanked everyone who had a role in getting this completed.


PLANNING:


 1) PROBABLE CAUSE HEARING, PCSC18-0007, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR17-0063 – ROSE HOLDINGS, INC., DBA SHEPHERD ENTERPRISES, C/O DANIEL SHEPHERD: Kim Ogle, Department of Planning Services, presented a summary of the violations of USR17-0063, concerning Development Standards #3, 12, and 16, and stated the USR was approved on January 31, 2018, by the Board of County Commissioners. Mr. Ogle explained prior to the approval of the USR, Planning Staff received several emails concerning the operations of the business on the property; specifically the long hours and noise associated with the on-site activity. Since the approval of the USR, staff has continued to receive correspondence from surrounding property owners, with concerns of exceeding the hours of operation, on-going noise, and issues of transient dust. Mr. Ogle presented a video clip showing the applicant is exceeding the operating hours and photos displaying the dust; however, Department of Public Health staff has been unable to substantiate fugitive dust crossing


the property line. In response to Commissioner Conway, Mr. Ogle confirmed staff did not observe the dust blowing off the property. Mr. Ogle stated the applicant has submitted a drawing of the proposed landscaping, which has not been approved, because there hasn't yet been a consensus of the visual mitigation plan from the surrounding property owners. Mr. Ogle then displayed photos of what the property looks like currently.


 Dan Shepherd, representative of Rose Holdings, Inc., dba Shepherd Enterprises, presented drawings of the landscaping and proposed visual mitigation and stated he held a neighborhood meeting and extended an open invitation to his office. Mr. Shepherd explained when he first purchased the property, it was an eyesore to him and it's important to have landscaping to visually mitigate for the surrounding property owners. He stated he moved the entrance from the east side of the property, so there will be no activity to disturb the neighbors and will plant grass to keep the dust down. He stated he doesn't work on weekends or on windy days; therefore, there shouldn't be fugitive dust because the east side of the property is not being used. Mr. Shepherd stated he paid for a noise study and the results stated his operations are within the allowable noise limits. He stated he will continue to reach out and communicate with the surrounding property owners because he wants to be a good neighbor. In response to Chair Moreno, Mr. Ogle stated the noise study was submitted as part of USR application. Mr. Shepherd stated he had to change the routes of the trucking operation, to follow the operating time constraints. He added they close the warehouse doorsto address neighbors' concerns with the warehouse being operated outside the hours of 7:00 a.m., to 7:00 p.m., Monday through Friday. He stated he is frustrated because he hasn't received any responses from the surrounding property owners about the proposed landscaping.



 Tim Grange, employee of Mr. Shepherd, stated he has worked for Mr. Shepherd for ten (10) years and he has seen the changes in the operations. He makes sure there are no trucks running, or sitting with their lights on until after 7:00 a.m. He stated he built the new driveway and never worked when the wind was blowing. He explained he moved the driveway from the east side to the west side so the Town of Wattenberg didn't have to hear truck traffic. In response to Commissioner Cozad, Mr. Granger stated the first few days after the approval, of the USR, there were a few drivers that were not in compliance because it took a few days to communicate the operating hours to the drivers as they work different hour, but that is no the case now.


 In response to Commissioner Kirkmeyer, Mr., Ogle cited the hours of operation and explained the stipulation took place on November 27, 2017.




 In response to Commissioner Conway, Mr. Ogle confirmed, once the USR was approved, the stipulated operating hours were adhered to. Commissioner Kirkmeyer stated the warehouse has not been allowed to operate as a twenty-four (24) hour operation since November 27, 2017. Mr. Grange explained the twenty-four (24) hour operation was at their other location in Commerce City.




 Mr. Shepherd stated cameras have been installed on the warehouse for the last forty (40) days. He explained they installed them after receiving a compliant about the warehouse operating outside the stipulated hours.


 Desiree VanHartesvelt, employee of Rose Holdings, Inc., dba Shepherd Enterprises, explained it was a challenge to communicate the new hours of operation to all drivers, because they work different hours. She stated she has been with the company for five (5) years and believes everyone is now following the requirements of the hours. She stated she is on the property at night in her motorhome, to ensure there is no activity and noted there is a lot of noise, light and traffic coming from the nearby drilling


rig and gravel pit.  In response to Commissioner Conway, Ms. VanHartesvelt, stated the oil and gas operation is located across County Road 6, and began operation in late February, 2018.  Responding to Commissioner Cozad, Ms. VanHartesvelt stated she not living on the property, but she stays in a recreational vehicle every night as security, which she brings on and off the property. Mr. Ogle stated there isn't a permit for a mobile home to be on the site on a temporary basis. In response to Commissioner Kirkmeyer, Ms. Van Hartestvelt stated her permanent residence is in Commerce City.


 Mr. Shepherd stated he has been working on the driveway and hopes to finish soon. He also stated he and his wife clean the offices warehouse and shop and security checks the property which is the reason for the activity and photos he had been shown.


 In response to Commissioner Conway, Mr. Shepherd stated there were ten (10) people present at the recent neighborhood meeting and some of the surrounding property owners were unable to attend the neighborhood meeting, so he extended an open invitation for a private viewing of the facility plans. He stated they are doing a lot of work to clean the property, as it was neglected by the previous owners. He addressed the concerns of the noise generated from his operation and confirmed there is an oil and gas operation across County Road 6 and wonders if this could be a source of the noise. He stated he is trying hard to be a good neighbor.  Mr. Shepherd confirmed he will hold another community meeting in three (3) weeks and is available anytime to meet with the neighbors.  In response to Commissioner Kirkmeyer, Mr. Shepherd explained he should be able to start the proposed landscaping in 90 days and have the berm complete within five (5) to six (6) weeks. Mr. Shepherd stated the landscaping will be mainly on the east side of the property and an alternative solution would be to install a fence which would be more cost effective and would completely block the neighbors' view of the warehouse.


 In response to Commissioner Cozad, Mr. Ogle explained the proposed landscape plan will need to be reviewed, approved by Planning Staff, and meet the Conditions of Approval before it is implemented. Commissioner Cozad suggested a timeline be established for the landscaping plan and a date for completion.  In response to Commissioner Kirkmeyer, Mr. Ogle stated the applicant had a noise study done, but staff did not do one. He explained there is a way to exclude all externalities, to test Mr. Shepherd's site for compliance of the residential noise level requirements.  In response to Commissioner Conway, Mr. Ogle confirmed staff has not received a request for a noise study. Commissioner Kirkmeyer stated a noise complaint has been received, but it hasn't been validated.


 Thomas DeHerrera, surrounding property owner, expressed his frustration with trucks coming and going outside the stipulated operation hours. He stated Mr. Shepherd was working with equipment to drill holes for fencing on a Sunday. He stated he contacted the Department of Public Health and Environment about the fugitive dust and he didn't believe the staff member could see the dust leaving the property from where he was standing. Mr. Deherrea confirmed Mr. Shepherd was working on a Sunday.


 Daniela Perez and Kenny Perez, surrounding property owners, stated there are videos showing the violations of the hours of operations. Ms. Perez said the refrigerated trucks are running all the time, including on Easter. She referred to emails, sent from Mr. Shepherd, which contradict the hours the warehouse has been operating. She stated there are trucks and equipment running at night. Ms. Perez expressed her frustration with there not being a refrigerated unit put inside the warehouse, which would help with the noise from the trucks running at night. Ms. Perez stated the trucks being used as screening are still parked along the fence and pointed at them in a photo. Kenny Perez stated the trucks have been running at night and because of this he has been adversely impacted.


 In response to Bob Choate, Assistant County Attorney, Ms. Perez stated there are some recent videos with trucks showing up after hours and using their back-up beepers.


 Ms. Perez presented a video showing a truck backing up to one of the loading docks in the early morning, outside of the stipulated operating hours, where back-up beepers and air-brakes could be heard and stated this occurs on most Wednesday mornings.


 In response to Commissioner Cozad, Mr. Perez stated he is able to distinguish the noise of a truck from the oil and gas facility. He stated the noise from the traffic on CR 6 and the oil and gas facility doesn't bother him. He stated that the warehouse was better before Mr. Shepherd moved in. In response to Commissioner Cozad, Mr. Perez stated he would like to attend the neighborhood meeting in three (3) weeks, but he felt that he received short notice of the meeting. He expressed his frustration that no action occurs, unless the County gets involved or a hearing is scheduled. Ms. Perez referenced the videos she presented to the Board, show the applicant working outside the stipulated hours and demonstrate the noise level. Mr. Perez stated he is frustrated because he has to take time off work to deal with the issues.


 In response to Chair Moreno, Mr. Perez questioned if a fence or trees would halt the violations. He stated his understanding was the hearing was not to discuss the landscaping, but rather, all the violations. Ms. Perez stated she would like Mr. Shepherd to put up a concrete wall to negate the noise.


 Commissioner Cozad clarified the hearing is being held to decide if there is probable cause to move forward, because they cannot exceed a residential noise standard, as they agreed upon. She stated she hasn't seen evidence that it exceeds the noise standards, but there is evidence of violation of the hours of operation. Commissioner Cozad explained if the surrounding property owners think Mr. Shepherd is violating the noise standard, they should contact someone at the County to come out and verify the noise violations. She further stated the fugitive dust should not be occurring.


 In response to Commissioner Conway, Ms. Perez stated she has not communicated with Mr. Shepherd because the County should be taking care of this and the neighbors shouldn't have to police the activity. Mr. Perez stated it should be Mr. Shepherd's responsibility to keep logs of his drivers' activities.


 Rachel DeHerrea, resident of Fort Lupton, stated she is opposed to the operation of the warehouse, has property there, and expressed the frustration of the residents. She explained the facility is operating outside the stipulated hours. She noticed there were not any issues with the other companies occupying the property. Ms. DeHerrea reported driving by the warehouse on the weekends and can tell there is activity occurring. She stated she was disappointed with the proposed landscape proposal.


 In response to Commissioner Cozad, Mr. Ogle confirmed the local and over-the-road drivers can park in the eight (8) spaces on the west side of the facility outside the regular business hours. Commissioner Cozad stated the Board must review the specific issues which would be violations of the Development Standards.


 In response to Commissioner Conway, Ms. DeHerrea stated several people who live in the area didn't receive notification of the neighborhood meeting. Commissioner Conway said he will ask Mr. Shepherd how he notified the surrounding property owners.


 Tom DeHerrea, adjacent neighbor, stated the videos demonstrate the noise that occurs during the day and Mr. Shepherd working past the stipulated hours. He stated the road and property hasn't been treated for dust and there was a day there was dust the entire day. He explained the noise is not coming from the fracking site. In response to Commissioner Conway, Mr. DeHerrea stated he has not communicated his concerns with Mr. Shepherd and he was not present at the community meeting.


 *(Clerk's Note: The meeting was recessed at 11:22 a.m. and reconvened at 11:28 a.m.)*


 Mr. Shepherd suggested the backup alarm noise is coming from the loaders located at the gravel pit, because he removed the alarms from all his equipment. He explained the truck parked on the subdivision road was told to turn around because the warehouse was not open for business. Mr. Shepherd stated there are trucks driving by on County Road 6 using their Jake brakes. He changed his business model and understands frustration from the surrounding property owners who reside close to County Road 6.

 Commissioner Conway, suggested posting a sign on the fence with a 24-hour number so the surrounding property owners can leave a message or notification of an incident, which is the requirement for oil and gas operations.


 Commissioner Kirkmeyer clarified the difference between a Probable Cause and a Show Cause Hearing and stated the Probable Cause hearing is held to find evidence if the applicant is not in compliance with the Development Standards.

 In response to Commissioner Cozad, Mr. Shepherd stated the refrigerated trucks are parked on the westernmost part of the property. He stated some of the trucks along the fence are being used, along with panels on the bottom, as temporary screening for the Perez's residence.


 Commissioner Kirkmeyer reiterated this is a probable cause hearing, and if enough evidence is found, it will move to a Show Cause Hearing. Commissioner Kirkmeyer moved to set the Show Cause Hearing for June 27, 2018 at 9:00 a.m., because there is sufficient evidence to show that the Applicant is not in compliance with Development Standards #3, 8, 12, 13, 16, and 25. *(Clerk's Note: Audio reference to DS #7 and 17, were corrected to reflect #8 and 16 of the Resolution #2018-0276,p based on Commissioner Kirkmeyer's findings.)* The motion was seconded by Commissioner Cozad.


 Commissioner Kirkmeyer explained the Board received over 200 videos and photographs which demonstrated the violations of the Development Standards. She stated the Town of Wattenberg is used to the noise of the gravel pit and the traffic coming from CR 6, and the residents know the difference between the noise of the oil and gas operation and refrigerated trucks.


 Mr. Choate stated the notice references specific Development Standards.



 In response to Mr. Choate, Commissioner Kirkmeyer understands the notice was for the Probable Cause Hearing; however, if the Board finds there are other Development Standards for which the operator is not in compliance, they can be addressed at the Show Cause Hearing and adequate notice can be sent.


 In response to Commissioner Cozad, Mr. Ogle reported the plat has not been recorded, so the Conditions of Approval have not been met. Commissioner Cozad does not agree with the noise standard


violation, because there is not sufficient evidence showing the noise has exceeded the residential noise standard. She stated good faith effort should be shown by the applicant as there has been sufficient time to get some of these standards completed.  She stated she disagrees with adding Development Standard #17 because there is not sufficient evidence the backup alarms were coming from Mr Shepherd's property. She agrees there is enough evidence for the Show Cause Hearing, which will allow the applicant more time to get into compliance.


 Commissioner Freeman stated he agrees there is some evidence to proceed with a Show Cause Hearing. He commented the application was approved two (2) months ago and he doesn't believe the applicant has had sufficient time to get the Conditions of Approval and development standards completed and suggests continuing the Probable Cause Hearing to give the applicant time to complete the standards in the USR.


 Commissioner Kirkmeyer explained this isn't a hearing to get the applicant into compliance, but is just to determine if the applicant is in compliance with the development standards.


 Commissioner Conway stated he agrees with Commissioner Freeman's comments stating there is not enough evidence to move this to a Show Cause Hearing. He stated there needs to be a dust abatement plan submitted to the Planning Department, and the applicant has shown a willingness to work with the community. He suggested the County Attorney decide the appropriateness of continuing this matter. He stated there is conflicting information being submitted by staff.  Mr. Choate stated the Board is allowed under statute to continue the case.


 Commissioner Cozad stated the USR approval was on January 31, 2018, so even if the hearing is continued, or they decide to have a Show Cause Hearing, the applicant has sufficient time to complete the Development Standards and get in to compliance with his USR.


 Commissioner Kirkmeyer reiterated this is a Probable Cause Hearing and the Board needs to look for the probability that the applicant is not meeting the development standards. She stated there are several things that have not been done.


 Commissioner Freeman stated two (2) months may not be enough time for the applicant, but he doesn't want to continue this. Commissioner Conway stated he agrees with giving the applicant enough time to complete all the requirements because the goal is for the applicant to be in compliance.

 Commissioner Kirkmeyer stated the operator had violations prior to the USR being approved on January 31, 2018, and the applicant has had time to come up with the landscape and dust abatement plans.


 Commissioner Cozad amended the motion and moved to set the Show Cause Hearing to July 25, 2018. Seconded by Commissioner Freeman, the motion carried unanimously.


 In response to Mr. Shepherd, the Board stated Mr. Shepherd can go to his property during off hours to work on his trucks and do personal work around the property. He explained he is on the property seven (7) days a week.


 (Clerk's Note: The meeting recessed at 12:02 p.m. and reconvened at 1:40 p.m.)

 2) PROBABLE CAUSE HEARING, PCSC18-0006, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR-1285 – A-1 ORGANICS, RATTLER RIDGE ORGANIC RECYCLING FACILITY: Michael Hall, Department of Planning Services, presented a summary of the violations of the USR and stated staff has received numerous complaints regarding debris blowing on the adjacent properties. He displayed photos of the site and stated the property is in the Town of Keenesburg's referral area.


(Clerk's Note: Commissioner Kirkmeyer arrived at 1:42 p.m.)


 Mr. Hall presented the aerial imagery of the site and stated there had been previous complaints of odor, flies, and windblown litter, which had been closed, but the complaints began again in 2017. On October 18, 2017, the Department of Public Health and Environment responded to a complaint, but could not find a violation. He stated staff conducted inspections due to three trash and odor complaints, at which time, staff noted trash had blown from the site.



 Ben Frissell, Department of Public Health and Environment, stated when staff did a scheduled inspection at A-1 Organics, they discovered blowing litter. He stated A-1 Organics replied by letter explaining the actions they planned to take to mitigate the debris leaving their property. He reviewed the dates of the violations as noted by staff. Mr. Frissell stated on January 31, 2018, A-1 Organics stated they agreed to install a debris fence. When staff investigated the complaint, the Nasal Ranger did not detect any odors. Mr. Frissell stated the debris is about 3 to 6 inches in diameter. He stated earth work is being done to install a fence along the eastern and southern border of the property. He displayed photos of the earth work taking place to install a fence and explained workers are picking up litter that has left the site. Mr. Frissell stated recently some employees were burning tumbleweeds which had been addressed. Mr. Frissell stated this is a large site and will take some time to get the debris cleaned up.



 In response to Commissioner Cozad, Mr. Frissell stated twenty-five (25) feet off A-1 Organics' property line is a neighboring property. He stated hired help goes onto the neighbor's property to clean up litter and he believes there is an agreement in place with the neighbor that allows this.



 In response to Commissioner Conway, Mr. Frissell stated there are complaints documented from 2010, of debris leaving the site.


 Travis Bahnsen, representative of A-1 Organics, presented a Debris Abatement Plan and other information. He stated they had planned to install an 18-foot fence in December 2017, but a neighbor stated he had concerns with the construction of the fence and so construction was halted. He stated they continued to mitigate trash by hiring temporary laborers to clean it up. He reported there has been an influx of material which has caused contamination and the litter fence will be a large help. He stated until they have better infrastructure so they can properly handle the material, they will no longer accept the delivery of debris causing the violation. Mr. Bahnsen highlighted some of the plans and stated they would install the 18-foot tall litter fence, continue to make improvements to the existing six (6) foot tall fence along the roadway, and additional improvements to a three (3) foot fence across the roadway, so eventually they will have a three (3) fence system, and will continue to remove debris weekly. In response to Commissioner Kirkmeyer, Mr. Bahnsen stated they were partners in the Heartland Biogas project and the plant would have been able to handle the material and process it. He stated with the plant closing they have been trying to handle the material as best they can.


 In response to Chair Moreno, Mr. Bahnsen stated they stopped accepting the materials about three (3) weeks ago.


 Kent Pendley, representative of A-1 Organics, stated with the closing of Heartland Biogas the issues have escalated a lot more quickly. He stated as the complaints escalated, they started researching the mitigation options. They were scheduled to construct the fence, but stopped; however, the fence has been ordered. The company installing the fence has done other landfill fences around the area and comes highly recommended. He explained it was decided not to accept any material, or to process the material on the site until the fence system is complete. He stated they are aware there is a problem and will continue to work on a solution.  In response to Commissioner Conway, Mr. Pendley stated the reason building the fence was cancelled was because they received opposition to the fence being built. Mr. Pendley stated this has been resolved, and the fence should be complete by the end of the week.


 Bob Yost, representative of A-1 Organics, stated there was further discussion with the adjacent neighbor who agreed with the decision to install the fence. He submitted a letter, dated April 11, 2018, as Exhibit A, stating the facility is in full compliance with the Department of Public Health and Environment (CDPHE). In response to Commissioner Conway, Mr. Yost clarified the facility is in full compliance with the Engineering Design and Operations Plan (EDOP). He stated they have to remain in compliance through verification with the Environmental Leadership Program. Mr. Yost stated it has been a challenge to hire temporary laborers to pick up the trash. He reported sixty-five (65) volunteers showed up on their clean-up day to clean up the small pieces of plastic in the field. The volunteers would like to come back for the next event because they understand the challenge with the high winds and keeping the debris from blowing away.  In response to Commissioner Conway, Mr. Yost confirmed they started diverting materials about three (3) weeks ago.



 John Griffiths, representative of Alpine Recycling, stated they are the largest collector of commercial organic material in Colorado and have a lot of business in Weld County. A-1 Organics is a very beneficial component of the recycling industry because they take a material that was going to a landfill and create something useful and valuable. He stated A-1 Organics represents an essential part of the eco-system in the State. He made a plea to the Board to allow A-1 Organics to continue with the work they have been doing.  In response to Commissioner Cozad, Mr. Griffiths stated the fence they are installing will be sufficient for litter mitigation.


 Dave Stewart, President of Stewart Environmental, presented photos of the debris littered on the Gutterson property. He reviewed odor, flies, and the past violation with Weld County, and the CDPHE. He stated Mr. Gutterson lives about three (3) miles to the north and the odor issue concentrates at his house. Mr. Stewart presented a video of the trash on the Gutterson's property, taken by a drone. He stated the drone traveled about 500 yards into the Gutterson property and trash can still be seen on the property. He submitted a letter from Doug Ford, Veterinarian, stating health issues occur in young calves when they digest the trash that has blown in the pasture. Mr. Stewart stated the litter fence will be an improvement, but will not stop the trash from entering the Gutterson's property. He reported there has not been any documentation about mixing temperatures and they should keep the compost pile aerobic. Mr. Stewart reported the CDPHE could not locate any records during their inspections, and the Air Quality Division did find concerns with the air quality.


 In response to Commissioner Kirkmeyer, Mr. Stewart stated they haven't received an updated Engineering Design and Operations Plan (EDOP), which was due in 2010, and expressed frustration with A-1 Organics not following the procedures as required by the State. He stated Mr. Gutterson has tried to be a good neighbor and addressed problems when they arose, but he can't use part of the pasture for


grazing because of the trash.  He further stated the odor doesn't have to meet a 15:1 threshold if there is a complaint. Mr. Frissell stated he has been out to the facility when there is an odor, but he doesn't believe there needs to be an odor abatement plan.


 In response to Commissioner Conway, Mr. Stewart stated the best scenario is not to accept plastic at all and there are wind constraints on the neighboring Waste Management Plant, which shuts down on a windy day. It affects the grazing operation because the trash goes onto the property. This has been an on-going problem for fourteen (14) years, and as such, Mr. Gutterson is frustrated because it is still happening.


 In response to Commissioner Cozad, Mr. Stewart stated they are required to update the EDOP when changes are made as to how they are operating the facility. He stated they are accepting waste that they weren't accepting at the beginning of their operation.  Mr. Stewart stated the debris goes for miles on the ranch, so it would take a lot of time and effort for clean-up.


 Art Gutterson, adjacent landowner, stated he has been neighbors of A-1 Organics for eighteen (18) years and expressed frustration about the trash coming onto the ranch. Mr. Gutterson stated the facility is used for composting, but they are processing trash materials. He stated this has been a problem for eighteen (18) years and he has worked with several Weld County staff; however, this has never been resolved.


 In response to Chair Moreno, Mr. Gutterson stated he doesn't have any concerns with people coming onto the property to cleanup the trash, but it has to be cleaned up by hand, because it is native grasses. Therefore; it could take a couple of months to clean up the property. In response to Commissioner Cozad, Mr. Gutterson stated about four (4) square miles would need to be cleaned up.


 In response to Commissioner Conway, Mr. Gutterson explained this has been a problem for eighteen (18) years, but it has escalated. He has worked with A-1 Organics to remedy this problem and has a letter addressed to the County in 2004, and explained the waste A-1 Organics is accepting should be going to a landfill. He stated the trash problem is new, but the flies and odor have been on-going.


 Mr. Yost addressed the EDOP report and stated he has one ready to submit to the State, June 1, 2018. The State asked Mr. Yost to wait to submit the EDOP from 2010, because they were going through some regulatory changes. Mr. Yost explained this is a great company that benefits Weld County. He stated 99.9% of the materials the facility receives are compostable. He stated they invested a million dollars into Heartland Biogas to help digest the organics. Mr. Yost stated the litter has been an issue and a challenge. They will be proactive in picking up the litter, by using vacuums, rakes and people, and will continue to clean up Mr. Gutterson's property and keep better records of temperatures, and materials that will qualify.




 Mr. Yost reviewed the plan to get the Gutterson property cleaned up including: allowing Mr. Gutterson to use 120 acres of A-1 Organics property for grazing, and leasing part of the Gutterson property to clean up the trash. He stated they tried to use Heartland Biogas, LLC, to clean some of the trash, but now Heartland is stuck in a legal process and they are unable to use the facility.


 In response to Commissioner Cozad, Mr. Yost stated the plan was submitted to the Gutterson's the last week and he would be happy to review it with Mr. Gutterson. Mr. Yost stated the netting will be on all three (3) fences and the EDOP will be submitted on June 1, 2018.


 In response to Commissioner Freeman, Mr. Yost stated the fence A-1 Organics will install is similar to the facility along State Highway 14, because it is efficient at keeping the debris in the fenced area.


 Mr. Yost explained the facility no longer grinds materials to make smaller pieces to get it into the wind rows and what they use now is a slow speed shredder to try to make the compost bag smaller. Commissioner Cozad clarified A-1 Organics is no longer accepting this type of material.


 Mr. Bahnsen stated they have two (2) certified nasal rangers to monitor the site weekly, and are able to identify an odor coming from the facility and remedy it. They carefully monitor the wind speed and if it reaches 20 miles per hour, they shut down the operations.



 Commissioner Kirkmeyer clarified the Board needs to decide if there is evidence to find they are in violation of the Conditions of Approval or not in compliance with the Development Standards. Commissioner Kirkmeyer stated she believes A-1 Organics is not a good neighbor and are not doing a good enough job with debris abatement. She stated if they are taking in new materials, they will need to get written approval from the County and the State, or they are not complying. She stated they are out of compliance with Development Standard #9.  Mr. Yost stated they are trying to do a better job with complying and they will improve their plan. He stated they keep records on the materials they bring in, and it is his opinion they are not in violation.  Commissioner Kirkmeyer stated she appreciates all his efforts, but doesn't feel that the plan is robust enough. She stated she would like to move to a Show Cause Hearing and give A-1 Organics the opportunity to get things fixed.



 Commissioner Freeman stated if there is a landfill, trash will get out, but it needs to be picked up. He stated there really isn't a sure-fire way to keep trash from getting out, and feels like Development Standard #13 is the only one with which they are out of compliance.


 In response to Commissioner Conway, Mr. Bahnsen stated the 120 acres was offered to Mr. Gutterson to allow his cows to use the pasture.

 In response to Commissioner Cozad, Mr. Frissell stated during the last inspection conducted in 2017, staff found A-1 Organics to be complying, except for the noted debris. He stated this included the record keeping, EDOP, and the files submitted. He stated the EDOP is over eighteen (18) years old which is out of date, so it is hard to say what they are out of compliance with. Mr. Frissell stated staff will come out on a valid compliant and work with the applicant as well as the adjacent neighbors.

 In response to Commissioner Cozad, Mr. Frissell stated he investigated each complaint with a certified Nasal Ranger and there is odor on the site but after they tested, the odor was not over a 2:1 ratio which is within their allowed threshold.

 Mr. Bahnsen stated State regulations were updated and amended by the State in October, 2017, and if A-1 Organics submits the revised EDOP, by June 30, 2018, they will be in compliance. After further discussion, it was agreed that the facility follow the 2000 EDOP until June 30, 2018, or the submittal of the revised EDOP. Chris Skelton, representative of A-1 Organics, presented the EDOP regulations and stated every five (5) years the State reviews their regulations, and then they have 180 days to comply with any revised regulations.  Mr. Frissell confirmed the State gave the facilities until June 30, 2018, to submit a revised EDOP to the State and they would be considered in compliance until the new approval letter was issued.

 After further discussion, it was agreed that the Show Cause Hearing be moved out past the EDOP submittal date.  Commissioner Kirkmeyer moved to set the date for the Show Cause Hearing for July 11, 2018, and the motion was seconded by Commissioner Conway. Commissioner Kirkmeyer stated the Board can add other Development Standards for the Show Cause Hearing, so A-1 Organics should do everything they can to be a good neighbor. Commissioner Conway stated for trash in the pasture is a very serious issue to the health of cows and will impact the cattle industry.

 Mr. Bachnsen stated they will get this cleaned up and remediated as quickly as possible and will continue their clean-up efforts. After further discussion, the motion 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 3:40 p.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES – PART 1

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 18, 2018

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, April 18, 2018, 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 Steve Moreno, Chair - EXCUSED
Commissioner Barbara Kirkmeyer, Pro-Tem
Commissioner Sean P. Conway
Commissioner Julie A. Cozad - EXCUSED
Commissioner Mike Freeman


Also present:


County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Controller, Barbara Connolly

 Commissioner Conway requested a moment of silence to honor the memory of Stan Cass.


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of April 16, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.


 **AMENDMENTS TO AGENDA:** Commissioner Conway moved to insert a new item 7) Consider Updated 2018 Paul Coverdell Forensic Science Improvement Grant Application for the Northern Colorado Regional Forensic Laboratory and authorize electronic submittal, under New Business. Seconded by Commissioner Freeman, it carried unanimously.

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


 **PUBLIC INPUT:** No public input was given.


BIDS:


 1) APPROVE BID #B1800059, JAIL 2 WEST ADDITION – DEPARTMENT OF BUILDINGS AND GROUNDS: Chair Pro-Tem Kirkmeyer stated this bid will be moved to the end of the Agenda to allow all five (5) Commissioners to be present for the approval. She stated this is a \$45,000,000.00 bid so it is important that everyone is present.

 2) APPROVE BID #B1800076, EROSION CONTROL – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, presented the six (6) bids received and stated staff recommends awarding to the second low bidder, all All Cowboy Erosion Control. In response to Commissioner Conway, Mr. Turf stated staff recommends All Cowboy Erosion Control be awarded the bid due to the company being local. He then moved to approve said bid as recommended by staff. Seconded by Commissioner Freeman, the motion carried unanimously.


NEW BUSINESS:


 1) CONSIDER STANDARD FORM FOR CHILD PROTECTION AGREEMENT FOR SERVICES BETWEEN THE WELD COUNTY DEPARTMENT OF HUMAN SERVICES AND VARIOUS PROVIDERS, AND AUTHORIZE CHAIR TO SIGN AGREEMENTS CONSISTENT WITH SAID FORM: Lennie Bottorff, Department of Human Services, presented the updated standard form for Weld County Child Protection Agreement for Services. Commissioner Freeman moved to approve said standard form and authorize the Chair to sign agreements consistent with said form. The motion, which was seconded by Commissioner Conway, carried unanimously.


 2) CONSIDER CONTRACT ID #1707 AGREEMENT TO PURCHASE OUT-OF-HOME PLACEMENT SERVICES, AND AUTHORIZE CHAIR TO SIGN – A NEW WORLD: Mr. Bottorff reviewed the terms for the agreement to provide foster care and group home services for out-of-home placements. Commissioner Conway moved to approve said agreement and authorize the Chair Pro-Tem to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 3) CONSIDER CONTRACT ID #1718 AGREEMENT TO PURCHASE OUT-OF-HOME PLACEMENT SERVICES, AND AUTHORIZE CHAIR TO SIGN – SPRINGBROOK BEHAVIORAL HEALTH: Mr. Bottorff presented the agreement with a facility in South Carolina to provide out-of-home placement care for individuals with autism at a daily rate of \$589.50. Commissioner Freeman moved to approve said agreement and authorize the Chair Pro-Tem to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 4) CONSIDER CONTRACT ID #1712 AGREEMENT FOR CHILD PROTECTION SERVICES AND AUTHORIZE CHAIR TO SIGN – FAMILY TREE, INC.: Mr. Bottorff reviewed the agreement to provide visitation services for parenting time at a rate of \$65.00 per hour. Commissioner Freeman moved to approve said agreement and authorize the Chair Pro-Tem to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 5) CONSIDER CONTRACT ID #1721 AGREEMENT FOR PROFESSIONAL SERVICES FOR CLIENT-SPECIFIC DOMESTIC VIOLENCE TREATMENT AND AUTHORIZE CHAIR TO SIGN – A TURNING POINT OF COLORADO SPRINGS, INC.: Mr. Bottorff presented the agreement to provide court-ordered domestic violence treatment. Commissioner Conway moved to approve said agreement and authorize the Chair Pro-Tem to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 6) CONSIDER APPLICATION FOR 2018 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT PROGRAM FOR NORTHERN COLORADO REGIONAL FORENSIC LABORATORY AND AUTHORIZE ELECTRONIC SUBMITTAL: Ron Arndt, Director of the Regional Crime Lab, with Daren Ford, Sheriff's Office, presented the grant for \$73,500.00, bringing the total requested amount to \$164,000.00, for three (3) items of equipment. Commissioner Conway moved to approve said application and authorize electronic submittal. The motion, which was seconded by Commissioner Freeman, carried unanimously.



 7) CONSIDER UPDATED 2018 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT APPLICATION FOR THE NORTHERN COLORADO REGIONAL FORENSIC LABORATORY AND AUTHORIZE ELECTRONIC SUBMITTAL: Mr. Arndt reviewed the details of the updated application from March, 2017, with additional funding granted of \$19,500.00; therefore, he would like to add another training opportunity for Daren Ford. Commissioner Freeman moved to approve said updated application and authorize electronic submittal. The motion was seconded by Commissioner Conway, and it carried unanimously.


 8) CONSIDER APPLICATION FOR A TEMPORARY ASSEMBLY PERMIT FOR MORE THAN 350 PERSONS ON APRIL 22, JUNE 2, AND OCTOBER 6, 2018 – THE WILD ANIMAL SANCTUARY: Frank Haug, Assistant County Attorney, presented the application for a temporary assembly permit for three (3) upcoming events; dates being April 22, 2018, June 2, 2018, and October 6, 2018, with other events scheduled throughout the year. The three (3) previously mentioned events exceed 350 persons which made it necessary for them to apply for the permit. He noted there are no concerns from the referrals and reported the new Events Center will allow them more flexibility with space.

 Jessica Milton, Chief Administration Officer with The Wild Animal Sanctuary, stated the events have been taking place over several years without issue and the new Welcome Center will offer more services.


 Commissioner Freeman moved to grant said Temporary Assembly Permit. Seconded by Commissioner Conway, the motion carried unanimously.

 9) CONSIDER APPLICATION FOR A TRANSFER OF OWNERSHIP FROM FIERA ENTERTAINMENT, LLC, DBA EL CAPORAL, TO EL CENTENARIO ENTERTAINMENT, LLC, DBA EL CENTENARIO NIGHTCLUB, FOR A TAVERN (COUNTY) LIQUOR LICENSE, AND AUTHORIZE CHAIR TO SIGN: Mr. Haug presented the application for a transfer of ownership and gave a brief summary. He stated they have met all requirements and there are no character concerns of the new owner; however, the new owners did some modifications to the premises. Commissioner Cozad inspected the facility and reported there are no concerns with the neighborhood, or the facility. He stated they will offer some food products and have provided proof the employees completed the Responsible Vendor training.


 Robert Dill, representative of El Centenario Entertainment, LLC, stated he concurs with everything mentioned and his clients are ready to move forward with the next steps.  Commissioner Freeman moved to grant said Transfer of Ownership for a Tavern Liquor License and authorize the Chair Pro-Tem to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 10) CONSIDER COUNTY DANCE HALL LICENSE NO. 0393, AND AUTHORIZE CHAIR TO SIGN – EL CENTENARIO ENTERTAINMENT, LLC, DBA EL CENTENARIO NIGHTCLUB: Mr. Haug presented the application for a dance hall license and recommended approval. Commissioner Conway moved to grant said Dance Hall License and authorize the Chair Pro-Tem to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

PLANNING:

 1) CONSIDER VACATION OF USE BY SPECIAL REVIEW PERMIT, USR11-0031 – QUE AND DEBORA FULLMER: Diana Aungst, Department of Planning Services, reviewed the request for vacation of the USR11-0031. She noted the legal description is incorrectly listed on the resolution. Ms. Aungst explained the applicant is in the process of applying for a USR for a livestock confinement operation and there can't be two (2) USR's on the same property. In response to Commissioner Conway, Tim Naylor, representative of AGPROfessionals, stated the applicants understand that if the new USR for the livestock confinement operation is not approved, the vacation of USR11-0031 still stands.

Commissioner Freeman moved to approve said vacation with the revised legal description in the resolution. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) CONSIDER REQUEST CONCERNING EXTENSION OF TIME FOR SUBMITTAL OF FINAL PLAN FOR CHANGE OF ZONE, PZ-1071, FOR ADLER ESTATES PUD – MEAD CROSSINGS, LLC: Kim Ogle, Department of Planning Services, stated this will be the eighth request for an extension of time, but reported the applicant is not present and recommended continuing this matter. In response to Chair Pro-Tem Kirkmeyer, Mr. Ogle stated he hasn't had contact with the applicant. Commissioner Conway stated there should be a full Board to discuss this matter and the applicant should be present; therefore, he moved to continue this matter to May 2, 2018. Seconded by Commissioner Freeman, the motion carried unanimously. Commissioner Freeman stated it is important the applicant be present at the May 2, 2018, hearing to have his request taken seriously.

 (Clerk's Note: The Board recessed at 9:30 a.m. and reconvened at 10:00 a.m. See Part 2 of these minutes.)

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 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

EXCUSED
Steve Moreno, Chair

Weld County Clerk to the Board

Barbara Kirkmeyer, Pro-Tem

BY: _____
Deputy Clerk to the Board

Sean P. Conway

EXCUSED
Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES – PART 2

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 18, 2018

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, April 18, 2018, at the hour of 9:00 a.m. The meeting was recessed until all five County Commissioners could be present.


ROLL CALL: The meeting was reconvened at 10:38 a.m. to discuss the Bids portion of the Agenda as detailed below, and on roll call by the Chair, the following members were present, constituting a full quorum of the members thereof:


Commissioner Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem
Commissioner Sean P. Conway
Commissioner Julie A. Cozad
Commissioner Mike Freeman


Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Tisa Juanicorena
Clerk to the Board, Esther Gesick
Controller, Barbara Connolly


BIDS:



 1) APPROVE BID #B1800059, JAIL 2 WEST ADDITION – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Purchasing Department, stated staff received four (4) bids. The low bidder was Roche Constructors, Inc., with an estimated construction timeline of 27 months; however, the difference between the low and second low bid was only 0.39%. Due to the competitiveness of the bid fees, a cost/value analysis was performed by an evaluation panel which recommended awarding the bid to Bryan Construction, Inc., located in Larimer County, based on the fees and an estimated duration of 25 months. He noted the second ranked vendor was FCI Constructors, with a difference in cost of .79% and an estimated duration of 22 months, with a local office in Frederick. Two of the contractors were present and the Board agreed to allow them to present testimony.


 In response to Commissioner Conway, Toby Taylor, Director of Buildings and Grounds, explained the Charter provision of giving preference to local vendors is at the sole discretion of the Board, and it was not a factor in the panel review.



 Bryan Hemeyer, FCI Constructors, stated the company is based in Frederick, they have participated in many bid proposals on prior Weld County projects, the Design/Build team is made up of other Weld and Colorado companies, as well as an out-of-state designer with exceptional experience that has been paired with a local designer for this project. He stated their belief in providing great value to Weld County, with a team that has worked together for ten years and has experience in over 44 detention facility


projects. In response to Commissioner Kirkmeyer, Mr. Hemeyer confirmed their estimated timeline of 22 months and stated they have completed similar projects, such as the Denver County Jail, ahead of schedule. Responding to Commissioner Conway, he explained the FCI corporate office has been in Grand Junction, Colorado, for 40 years. It started as a family-owned business and transitioned to an employee-owned company, with approximately 100 employees based in the Frederick office, and a similar number of employees in Grand Junction. In response to Commissioner Kirkmeyer, Mr. Hemeyer confirmed, if awarded, this project would be managed from the Frederick office.


 Tom Roche, Roche Constructors, stated his company was founded and based in Greeley 46 years ago. He stated they are the low responsive bidder for this project. They have successfully completed ten projects for Weld County; three were major exterior builds of the Weld County Jail, and four were with Hauser Architects, which is also proposed for this project. He further stated they have over \$125 million in completed jail experience and those projects were completed ahead of schedule and below budget. Mr. Roche stated he selected the Architect and team of consultants based on what is required for the scope of work for this expansion, and they have a very good working relationship going back to 1994. He asserted that Roche Constructors is the only contractor that meets the preference for being a resident local contractor with 100% of its approximately 150 employees residing in Weld County. In response to Chair Moreno, he explained the three phases of the RFP and their commitment to complete Phase I in 18 months and the entire project in 25 months, with a warranty period to ensure any issues are resolved. In response to Commissioner Cozad, Mr. Roche reviewed some of their other completed projects, and expressed his confidence in Hauser Architects that has not done correctional facilities, but has successfully designed similar projects and is capable of meeting the County's expectations. Responding to Commissioner Kirkmeyer, he further addressed the qualifications and experience of the structural engineer and various consultants with similar facilities. In response to Commissioner Conway, Mr. Roche reiterated his company has completed three contracts for the existing Weld County Jail facility on time and under budget, with one instance of a change order refund.


 In response to Commissioner Cozad, Mr. Taylor confirmed the evaluation panel consisted of four people who reviewed and scored the projects for cost/benefit for the following criteria: a) fee proposal and general conditions, b) completeness of proposal documents, c) staff experience on similar projects, d) current workload and organizational depth and schedule, e) demonstrated ability working with the chosen design team, f) guaranteed maximum price and financial strength of the company, g) demonstrated ability of cost, and h) schedule and quality proven track record with job and site safety. Mr. Taylor further explained the job and site safety expectations. Commissioner Conway stated all four firms are very close in many of the criteria. Mr. Taylor stated he believes each of the firms is capable of building the jail expansion; however, there is a difference in the category of recent experience on jail institutions and the various types of holding cells. Responding to Commissioner Cozad, Mr. Taylor reviewed the experience and background of the evaluation panel members, including construction, purchasing, jail and project management.  Rob Turf, Purchasing Department explained each panel member independently reviewed the bid packets, incorporated the interview scores, scored the categories and then took the average of the combined scores. Responding further to Commissioner Cozad, he agreed Bryan Constructors ranked highest on staff experience with similar projects, and stated his scores didn't change much following the interview process.


 In response to Chair Moreno, Mr. Taylor reiterated the belief that each contractor could accomplish the task, but the cost/benefit analysis was conducted to determine quality in conjunction with the price. He agreed the Roche timeline followed the RFP and could be accelerated under ideal conditions, but there could also be unforeseen delays for any of the vendors.


 In response to Commissioner Kirkmeyer, Mr. Taylor explained the structural engineer and architect team are vital to ensuring the building is structurally sound, as well as compliant with the Prison Regulation Act. He expressed his concern with the lack of experience in those teams selected by Roche and noted that was clarified during the interview process.  Responding to Commissioner Cozad, Mr. Taylor reiterated the determination of preference for local bidders is at the sole discretion of the Board of Commissioners. He noted that in the past the County has used companies that have offices paying taxes and employees based in Weld County, regardless of where the headquarters is located.


 Mr. Barker referenced the periodic report for both companies and stated if you need to serve process, the address for FCI Constructors is in Grand Junction, and Roche is in Greeley. He stated the provisions of the Charter do not define residency; however, from a legal standpoint it would be where the registered agent is located. Commissioners Kirkmeyer and Freeman discussed the practice of viewing local bidders as those who have an office, pay taxes, and have employees in Weld County.


 In response to Commissioner Kirkmeyer, Mr. Warden verified the current jail was originally built in 1997, through contracts with Roche Constructors as the builder and Loren Bley as the Architect. He reviewed subsequent remodel and addition projects and which companies were selected. Responding further to Commissioner Kirkmeyer, Mr. Warden confirmed there was a reduction in price in one particular instance, and all of the projects done by Roche Constructors were completed on time and under budget.


 Chair Moreno stated he appreciates the staff review and those who provided additional comments. He commented the ranking process was thorough, each of the bidders submitted quality bids and he agrees that each of them could complete the project. However, he would support the low bidder, Roche Construction, while taking into account that although some of the scoring may be lacking, their past performance supports their ability to do a quality job.


 Commissioner Cozad commented it was helpful to hear from the bidders, and she expressed her appreciation for the amount of time and effort invested because this is a very large and important project which is budgeted for over \$40 million. She stated the bids were very close, and she did have some concern with the issue of experience on similar projects; however, she is satisfied that there are members of the Roche team that can get the project done, they are the low, local bidder, and they have a proven history of getting projects done on time and under budget.


 Commissioner Conway stated initially he was struggling with the question of experience on similar projects; however, based on the testimony, he agrees with awarding the project to Roche Constructors, which submitted the low bid, and successfully completed the original jail and subsequent remodels and additions, all of which were done on time and under budget.


 Commissioner Kirkmeyer commented Weld County is very fortunate to have four quality companies to choose from; however, she has concern regarding the lack of experience by the architectural team selected by Roche Constructors to design a detention facility of this nature. Mr. Taylor stated the last similar project was done in 1976 for the Centennial Jail Complex. Commissioner Kirkmeyer stated a lot has changed in the past 40 years. In response to Commissioner Conway, Mr. Taylor confirmed the architectural team has not done a similar detention facility project since 1976; however, Roche Constructors, as a construction company, did complete the recent federal ICE holding facility in Aurora, separate from Hauser Architects.


 Commissioner Freeman agreed the question of local preference is based on where they conduct business, not necessarily where their corporate headquarters are located. He also expressed concern with the lack of experience by the architectural team selected by Roche.


 Commissioner Cozad agreed that the architect's lack of experience for designing a correctional facility is a concern. Mr. Taylor agreed it was a major issue because a good design saves money in the long run, plus it must be compliant with the current regulations for a correctional institution. Commissioner Cozad commented the savings with awarding the low bid may be spent later if the architectural team doesn't design something correctly in compliance with the regulations.


 In response to Mr. Warden, Mr. Taylor clarified the various components that made up the consultant teams for each of the bidders were rated as individual line items on the scoring matrix.


 In response to Commissioners Conway and Kirkmeyer, Mr. Taylor confirmed each of the bidders is capable of completing the project, and although he has concern with the lack of experience by the architectural team selected by Roche Constructors, he believes that if steered in the right direction they can successfully build the structure. However, for purposes of rating the bid proposals, the lack of experience was why he gave the lower rating.


 Responding to Commissioner Kirkmeyer, Mr. Barker stated if the Board were to select the low bidder, including the architectural team with limited experience, the County could include strict requirements in the contract to provide the necessary expertise to ensure the project is done in accordance with state and federal laws, as well as provisions that if something is missed, it would be at their expense. Commissioner Cozad stated that was part of the RFP and agreed it should also be included in the contract. Mr. Warden explained the concept of Design/Build projects was implemented to help eliminate the issue of change orders and establish a guaranteed maximum price where all of the parties work together to eliminate the question of who is responsible for any mistakes or oversights. Mr. Taylor explained the process for providing a budget estimate as part of the RFP, followed by establishing a firm price.


 In response to Commissioner Conway, Mr. Warden stated upon implementation of the design/build process, the results were satisfactory. Mr. Taylor stated the last expansion was completed in spring of 2008.


 Commissioner Conway moved to award to the low bidder, Roche Constructors, Inc., with direction to staff to ensure the County is protected by the maximum price, and Mr. Taylor read the fees into the record. Commissioner Cozad seconded the motion.


 Commissioner Kirkmeyer requested a roll call vote because she does not support the low bid. She expressed concern with the lack of guaranteed maximum price at this point, that the architectural team for the low bidder does not have any recent experience designing this type of facility, and the differences between the construction management fees and timelines for completion. She stated the Board asked staff to go through and look at the process to make sure the County is making a good investment because the jail is a specialized type of building requiring a significant investment. If passed, she hopes the project is successful.


 Commissioner Conway commented if the concerns that have been discussed were with a contractor that didn't have a proven track record, then he would not support the motion; however, the testimony from staff that the prior projects were completed successfully alleviates those concerns.

 In response to Commissioner Freeman, Mr. Taylor stated the design is overseen by the development team through weekly meetings which include staff from the Departments of Buildings and Grounds and the Jail. He also explained the County has not gone through the accreditation process because it does come with certain federal obligations.

 Commissioner Cozad stated she appreciates the amount of review and discussion that has gone into this because this is an important project for the County. Despite her concerns, she feels confident that Roche will do a good job because the Board has given clear direction to the County Attorney and staff to ensure the County is protected and that if there are any mistakes, the liability goes back on the design team. For that reason, it is in their best interest that everything is in compliance, and the County will have a project manager that has input to make sure it is done correctly and is watching out for the County's interests.

 Commissioner Freeman agreed with and reiterated the previous comments.

 Commissioner Kirkmeyer stated she no longer requires a roll call vote based on the ongoing discussion concerning assurances that can be put in place.

 Chair Moreno agreed with and reiterated the previous comments. There being no further discussion, the motion passed unanimously.

Let Part 2 of 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 12:01 p.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

EXCUSED DATE OF APPROVAL
Steve Moreno, Chair

EXCUSED DATE OF APPROVAL
Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 23, 2018

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, April 23, 2018, at the hour of 9:00 a.m.

ELECT ACTING CHAIR PRO-TEM: Commissioner Cozad moved to elect Commissioner Freeman as Chair Pro-Tem for today's hearing, Monday, April 23, 2018. Commissioner Conway seconded the motion, and it carried unanimously.

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 Steve Moreno, Cozad - EXCUSED
Commissioner Barbara Kirkmeyer, Pro-Tem - EXCUSED
Commissioner Sean P. Conway
Commissioner Julie A. Cozad
Commissioner Mike Freeman, Acting Chair Pro-Tem

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick, and Amanda Petzold
Controller, Barbara Connolly

MINUTES: Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of April 18, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Cozad moved to approve the Certification of Hearings conducted on April 18, 2018, as follows: 1) USR18-0004 – Charles Anderson, c/o Oak Leaf Solar, XXVIII, LLC, 2) USR17-0044 – Kyle Kempema, and 3) USR17-0061 – Que and Debora Fullmer. Commissioner Conway seconded the motion, which carried unanimously.

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

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

PROCLAMATIONS:

1) WILLIAM "BILL" ERICKSON DAY – APRIL 23, 2018: Chair Pro-Tem Freeman read the proclamation for the record, recognizing Mr. Erickson for his contributions to the Galeton 4-H Club. Keith Maxey, Extension Office, recognized Mr. Erickson for his contributions to Weld County 4-H, the Galeton 4-H Club and Weld County citizens. Mr. Erickson stated he couldn't have done anything without all the

assistance of the volunteers. Commissioner Cozad stated he played an important part in 4-H youth for sixty-five (65) years. Commissioner Conway thanked Mr. Erickson for his contributions to the youth of Weld County. *(Clerk's Note: The meeting was paused for a photo opportunity.)*

PUBLIC INPUT: No public input was given.


BIDS:


1) APPROVE BID #B1800044, ELECTRONIC MONITORING EQUIPMENT AND OFFENDER SUPERVISION SERVICES – DEPARTMENT OF JUSTICE SERVICES *(CONT'D FROM 4/9/2018)*: Rob Turf, Department of Purchasing, presented the five (5) bids received and stated staff recommends awarding all aspects of this bid to BI, Inc. Commissioner Cozad moved to approve said third low bid as recommended and explained by staff memo. The motion was seconded by Commissioner Conway, and it carried unanimously.

2) APPROVE BID #B1800041, BRIDGE 68/59A REPLACEMENT PROJECT – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the twelve (12) bids received and stated staff recommends awarding the bid to the low bidder, Lawrence Construction Company. Commissioner Conway moved to approve said staff recommendation. Seconded by Commissioner Cozad, the motion carried unanimously.


3) APPROVE BID #B1800074, 2 EAST TRAINING ROOM AV – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the three (3) bids received and stated staff recommends awarding the bid to the low bidder, 5280 Digital, Inc. Commissioner Cozad moved to approve said staff recommendation. The motion was seconded by Commissioner Conway, and it carried unanimously.


(Clerk's Note: Due to technical difficulties, there is no audio available prior to this bookmark.)

 4) PRESENT BID #B1800083, DACONO METAL STORAGE SHED – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf stated staff received three (3) bids, and will review and bring back a recommendation on May 7, 2018.


 5) PRESENT BID #B1800094, 1/2 TON 4X4 EXTENDED CAB PICKUP (QTY 2) – DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS: Mr. Turf stated staff received seven (7) bids, and staff will review and bring back a recommendation on May 7, 2018. Commissioner Conway pointed out one of the vendors, Johnson Auto Plaza, may not be located in Weld County. Staff assured that they will look into this aspect as they review the bids.


NEW BUSINESS:

 1) CONSIDER CONTRACT ID #1725 AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – COLORADO YOUTH CORPS ASSOCIATION: Judy Griego, Director of the Department of Human Services, presented the agreement with the Colorado Youth Conservation Corps for purposes of accreditation. She stated this agreement is for the next five (5) year period, between years 2018-2023. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 2) CONSIDER APPOINTMENT OF NICKIE PHILLIPS AS ASSISTANT VETERANS SERVICE OFFICER: Toby Taylor, Veterans Officer, presented the appointment for the Veterans Office to replace Deon Harris. Mr. Taylor also took a moment to introduce Amber Barthel, Supervisor of the Veterans Service Office. Nickie Phillips stated she has five (5) years experience in the Veterans Service field, three (3) years of accreditation processing claims for Veteran Affairs benefits, and stated she was previously employed with Larimer County. Commissioner Cozad moved to approve said appointment of Nickie


Phillips as Assistant Veterans Service Officer. The motion was seconded by Commissioner Conway, and it carried unanimously.


 3) CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES FOR VETERANS SERVICES OFFICE ADDITION AND AUTHORIZE CHAIR TO SIGN – CHOICE BUILDERS, INC.: Mr. Taylor presented the agreement for the remodel of the Veterans Office to accommodate the new employee. He stated staff recommends the low bid, Choice Builders. Commissioner Conway pointed to the large range in the amounts of the submitted proposed bids, and Mr. Taylor stated the range is a result from the high demand in the construction field due to very booked schedules. Ms. Cozad asked if the bid included the security area, and Mr. Taylor stated the product has been ordered, and upon its arrival, it will be installed. Commissioner Cozad moved to approve said agreement for services and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 4) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – THE WILD ANIMAL SANCTUARY: Frank Haug, Assistant County Attorney, presented the application for the Wild Animal Sanctuary. He stated last week the Temporary Assembly Permit was approved for the event, and this item is the liquor license so that alcohol may be sold at the event. He advised there are no concerns. Commissioner Conway moved to approve said special events permit and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 5) CONSIDER CONTRACT ID #1762 2018 COOPERATIVE LAW ENFORCEMENT OPERATING AND FINANCIAL PLAN AND AUTHORIZE CHAIR TO SIGN: Bruce Barker, County Attorney, presented the details of the agreement, stating the total amount for the agreement is \$5,800.00, which includes a carry-over from last year. He stated the emphasis this year is on patrols, focusing on illegal off-road use. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 6) CONSIDER TEMPORARY CLOSURE OF CR 64 BETWEEN CRS 47 AND 49: Amy Joseph, Department of Public Works, reviewed the terms of the closure to replace a drainage culvert. She stated this has been coordinated with the detour already in place for the CR 47 corridor. She stated the residents and commercial operations along CR 64 will have full access during the day. Commissioner Cozad moved to approve said temporary road closure. The motion was seconded by Commissioner Conway, and it carried unanimously.


 7) CONSIDER TEMPORARY CLOSURE OF CR 41 BETWEEN CRS 72 AND 74: Ms. Joseph presented the closure in order to replace a drainage culvert. Commissioner Conway moved to approve said temporary road closure. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 8) CONSIDER TEMPORARY CLOSURE OF CR 70 BETWEEN CRS 43 AND 45: Ms. Joseph presented the closure in order to replace a drainage culvert. Commissioner Cozad moved to approve said temporary road closure. The motion was seconded by Commissioner Conway, and it carried unanimously.


 9) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – NW1/4 NE1/4, S10, T3N, R63W: Mr. Barker stated this item and the next two (2) items are extensions by Bonanza Creek to oil and gas leases, extending the terms from April 20, 2018, to October 20, 2018. Mr. Barker stated he and Mr. Faith, with Bonanza Creek, corresponded extensively on the definitions set forth in the lease. Mr. Barker suggested to Mr. Faith that


he submit a request for extension, since they are close to operating, as per the agreement. Commissioner Conway moved to approve said extension. Seconded by Commissioner Cozad, the motion carried unanimously.


 10) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – SW1/4 NE1/4, S10, T3N, R63W: Commissioner Cozad moved to approve said extension. Seconded by Commissioner Conway, the motion carried unanimously.


 11) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – E1/2 NE1/4, S10, T3N, R63W: Commissioner Cozad moved to approve said extension. The motion was seconded by Commissioner Conway, and it carried unanimously.


PLANNING:

 1) CONSIDER RECORDED EXEMPTION, RECX17-0216 – MEADOW RIDGE HOLDINGS, LLC, C/O BARRY FEHR: Angela Snyder, Department of Planning Services, presented the request for a two (2) lot Recorded Exemption, on lot B of RE-1345, a 36.9 net acre lot. Ms. Snyder described the location is near the Town of Hudson, but Hudson has expressed concerns about the urban nature of the proposed development plans of the two (2) lots. She explained the Town of Hudson requested the development plans follow the current Intergovernmental Agreement, which requires annexation to the Town of Hudson before any future commercial or industrial development is done on the site. Ms. Snyder communicated the parcel is zoned Agricultural and so is the area surrounding the parcel. She advised there were no concerns received from the ten referrals that were sent out. Ms. Snyder stated the Department of Planning Services recommends denial of said request because the minimum lot size of at least two and one-half (2 1/2) acres net which has not been met. She further suggested two additional options; a minor subdivision, or a zoning permit for a second dwelling.

 Commissioner Cozad brought clarity to the Coordinated Planning Agreement with the Town of Hudson, which is a separate issue outside of the recorded exemption. Then she asked if the Health Department expressed concerns over the 1.9-acre lot not meeting the setback requirements from any ditches, which is the main goal of the suggested minimum two and one-half (2 1/2) acre lot. Ms. Snyder communicated there are no concerns from the Health Department. Lastly, Commissioner Cozad ensured the only reason this item is being recommended for denial is due to the lot size and the well and septic system.

 Sherri Lockman represented the applicant and stated the setback requirements can be met on the lot and these setbacks will be presented and reviewed by the County. She further stated their understanding of the conditions, and advised the conditions can be met.

 Mr. Barker further discussed the Coordinated Planning Agreement with the Town of Hudson, and stated the use of the development could, in fact, be subject to the Intergovernmental Agreement, but at that point, the Town of Hudson could appear in front of the Board with any concerns. Commissioner Cozad moved to approve said Recorded Exemption, with the Conditions of Approval as listed. The motion was seconded by Commissioner Conway, and it carried unanimously.

 Commissioner Cozad stated, for the record, she voted against the recommendation of staff because she believes the two acres are sufficient to have a septic system, and because there are no concerns of the proximity of the well to the septic system. Commissioner Freeman also added his reason for support is because the Health Department did not have any concerns.

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 9:43 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

EXCUSED

Steve Moreno, Chair

EXCUSED

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad


Mike Freeman, Acting Chair Pro-Tem


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 25, 2018

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, April 25, 2018, at the hour of 9:00 a.m.


 **ELECT ACTING CHAIR PRO-TEM:** Commissioner Cozad moved to elect Commissioner Freeman as Chair Pro-Tem for today's hearing, Wednesday, April 25, 2018, and for Monday's hearing, April 30, 2018. Commissioner Conway seconded the motion, and it carried unanimously.


 **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 Steve Moreno, Chair - EXCUSED
Commissioner Barbara Kirkmeyer, Pro-Tem - EXCUSED
Commissioner Sean P. Conway
Commissioner Julie A. Cozad
Commissioner Mike Freeman, Acting Chair Pro-Tem


Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Amanda Petzold
Controller, Barbara Connolly


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of April 23, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Cozad moved to approve the Certification of Hearings conducted on April 23, 2018, as follows: 1) USR17-0044 – Kyle Kempema. Commissioner Conway seconded the motion, which carried unanimously.


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


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

PROCLAMATIONS:

 1) UNC BEARS DAY, WOMEN'S BASKETBALL – APRIL 25, 2018: Commissioner Freeman read the proclamation into the record. David Sabolcik, University of Northern Colorado's Senior Associate Athletic Director, brought the women's basketball team forward to introduce themselves. Deb Patterson, University of Northern Colorado's Director of Women's Basketball Operations, addressed the Board with


appreciation for the honor bestowed upon the women's basketball team. She stated it was a privilege to compete on behalf of Northern Colorado in such a successful way. She commented on the team's journey of learning the importance of being a role model and inspiration for the local youth and the future of the community. She expressed appreciation for the UNC Bears Proclamation, which affirms the team's commitment and success, and invited the Board and the community to come back and support the team in the next seasons to come. Commissioner Cozad expressed how proud she is to be a UNC Bear herself. She commented on the leadership skills gained through the team experience, which will take them many places in the future and encouraged they stay here in Greeley for years to come. Commissioner Conway stated it is an honor to have the team here today. He explained in the years to come, this team will be remembered for the high bar set and the many accomplishments met this year. He further commented on their mentoring role in the local community, and expressed gratitude for their impact. Commissioner Freeman echoed the words of his fellow Commissioners, specifically on the impact of their roles on the younger generation, and he too thanked the team for their efforts and commitment. *(Clerk's Note: meeting was paused for a photo).*


 2) UNC BEARS DAY, MEN'S BASKETBALL – APRIL 25, 2018: Commissioner Freeman read the award into the record. Mr. Sabolcik again thanked the Board of Commissioners for acknowledging the team. The players of the men's basketball team introduced themselves. Jeff Linder, Head Coach for the men's basketball team, thanked the Commissioners for recognizing the team and for representing themselves, their community, and the University in a very positive manner, both on and off the court. He thanked the team for their effort and commitment, and stated they look forward to the continual building and progression of the team for the next years to come. He expressed appreciation for the community and their support. Commissioner Conway stated the team has been a great example to the local community. He referenced an article published in an interview with Mr. Linder and stated the article really embodied the personality of the coach and the positive qualities which led to the success of the team. Commissioner Conway encouraged the players' future success in any path they choose to take. Commissioner Cozad agreed with the comments of Commissioner Conway. She further expressed appreciation for the team's representation for the local community and their positive impact on the youth. Commissioner Freeman echoed congratulations and the importance of their mentorship to the local high school players. *(Clerk's Note: meeting was paused for a photo).*


 **PUBLIC INPUT:** Laura Doyle, Weld County resident, stated she is here with the encouragement of Larimer County Sheriff. She commented on Colorado House Bill 11-1275, also known as the Puffer Law and submitted a copy marked Exhibit A. The purpose of her comments are to make the community aware that resources will be used to enforce this law, for purposes of training and enforcement. She stated that both the Larimer County Sheriff and Weld County Sheriff, as well as the surrounding towns and cities, have all been in communication regarding said topic.


Commissioner Conway commented on the progress of the E-470. He advised as of April 12, 2018, the board voted to do away with the annual vehicle registration fee of \$10.00. He stated it was originally instituted to help retire some of the bonds needed to build the tollway, but since the revenue point has been reached, it is no longer being collected. Commissioner Cozad requested that they start looking for additional ways to keep the tolls low. Commissioner Conway commented on a presentation held at the March's audit meeting, which outlined a strategic plan to be rolled out over the course of 2019-2020, where higher bonds will be pulled back and a level debt ceiling will be reached. He further commented on the details of the strategic plan which extends to 2040, and will continue to level the bonding and keep the tolls low, while turning most tollways from two lanes to three lanes.


BIDS:


 1) APPROVE BID #B1800058, VARIOUS SERVICES (CHILD WELFARE) – DEPARTMENT OF HUMAN SERVICES (*CONT'D FROM 4/4/2018*): Rob Turf, Department of Purchasing, stated nineteen (19) bids were received, and staff recommends awarding to various vendors for various child welfare services, to cover a period from June 1, 2018, through May 31, 2019. Commissioner Cozad moved to approve staff recommendations. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Freeman stated, for the record, as a member of the Human Services Advisory Commission, he recused himself from the vote taken on Friday, April 20, 2018, by the Human Services Advisory Commission, to allow himself to vote today at the Board of County Commissioner's hearing.

 2) APPROVE BID #B1800072, BRIDGE REPLACEMENT PROJECT FOR BRIDGE 53/58A – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated eleven (11) bids were received, and staff recommends awarding to the low bidder, Zak Dirt, for the amount of \$7,918,861.55. Commissioner Conway moved to approve staff recommendation. The motion was seconded by Commissioner Cozad, and it carried unanimously. He further stated the Colorado Department of Transportation (CDOT) has reviewed the bid documents and has given their concurrence to award to said bidder. Commissioner Cozad stated, for the record, the Engineer's original estimate was \$10,692,505.62, and this total cost is well below the original estimation, which saves the County almost \$3,000,000.00. Commissioner Conway reiterated this is from the flood recovery and concurred with Commissioner Cozad.


 3) PRESENT BID #B1800090, TREND MICRO DEEP SECURITY MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated staff received four (4) bids, and will review and bring back a recommendation on May 9, 2018.

 4) PRESENT BID #B1800092, EMC MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose stated staff received three (3) bids, and will review and bring back a recommendation on May 9, 2018.


 5) PRESENT BID #B1800096, FORKLIFT FOR HOUSEHOLD HAZARDOUS WASTE – DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT/FLEET MANAGEMENT: Rob Turf, Department of Purchasing, stated staff received five (5) bids, and will review and bring back a recommendation on May 9, 2018.


 6) PRESENT BID #B1800093, BRUSH CHIPPER – DEPARTMENT OF HUMAN SERVICES/FLEET MANAGEMENT: Mr. Turf stated staff received four (4) bids, and will review and bring back a recommendation on May 9, 2018.


NEW BUSINESS:


 1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – MULTILATERAL PARTNERS WINDSOR, LP: Brenda Dones, Assessors Office, stated this abatement is for the period of 2015-2016, which means the data collection period is all of the year 2013 and the first six months of 2014. Ms. Dones advised this location is a shopping center, and when the tax abatement was filed it was noted one of the leases within the shopping center had ended, which drastically brought down the income. After proper income was submitted, an agreement on the value for both years, 2015 and 2016, resulted in an adjusted value of \$1,300,000.00. This adjusted value resulted in a tax refund for 2015 in the amount of \$11,157.42, and a refund for 2016 in the amount of \$11,997.87. The motion to approve the refund of


taxes for both tax years, 2015 and 2016, which was made by Commissioner Conway, and seconded by Commissioner Cozad, carried unanimously.

 2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – WRA BUILDING CORPORATION: Ms. Dones stated when the property was added to the record in 2017, it was noted as being privately owned. She advised that once the taxes were issued, the County received the copy of the lease which indicated it was a charter school. Ms. Dones further advised that the property became exempt as of January 23, 2017. She requested adjustment to the tax amount from \$50,051.43 to \$3,017.35. The motion to adjust the tax amount for tax year 2017, which was made by Commissioner Cozad, and seconded by Commissioner Conway, carried unanimously.

 3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – AIMS LEASING CORPORATION: Ms. Dones stated the building was remodeled for tax year 2017, and in doing so the appraiser accidentally made the building taxable. In result, staff requests a refund in the amount of \$36,002.28, for tax year 2017. The motion to approve the abatement of taxes for tax year 2017, which was made by Commissioner Cozad, and seconded by Commissioner Conway, carried unanimously.

 4) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – AIMS JUNIOR COLLEGE DISTRICT: Ms. Dones stated this account is similar to the previous item where the remodeled building was incorrectly appraised and made taxable. She stated staff requests full refund in the amount of \$34,115.27. The motion to approve abatement for tax year 2017, which was made by Commissioner Conway, and seconded by Commissioner Cozad, carried unanimously.

 5) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – SAVANNA DRILLING, LLC: Ms. Dones stated this account is a drilling rig and the rig was valued on the wrong amount of days for which it was present in the County. After reports were submitted, the rig was found to be present in the County for 228 days. Staff requested the refund amount for tax year 2017 in the amount of \$10,374.67. The motion to approve the 2017 tax abatement, which was made by Commissioner Cozad, and seconded by Commissioner Conway, carried unanimously.

 6) CONSIDER CONTRACT ID #1760 AGREEMENT CONCERNING PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY FOR CERTAIN IMPROVEMENTS TO CR 49 AND AUTHORIZE CHAIR TO SIGN NECESSARY DOCUMENTS – THOMAS D. CROGHAN LIVING TRUST AND MARY E. CROGHAN LIVING TRUST: Clay Kimmi, Department of Public Works, stated this parcel is one the contractor had to acquire in order to put up the needed fence for 2,450 square feet. He advised the landowner was offered, and accepted, \$500.00. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, 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 9:49 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

EXCUSED

Steve Moreno, Chair

EXCUSED

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad


Mike Freeman, Acting Chair Pro-Tem

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 30, 2018


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, April 30, 2018, 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 Steve Moreno, Chair - EXCUSED
Commissioner Barbara Kirkmeyer, Pro-Tem - EXCUSED
Commissioner Sean P. Conway
Commissioner Julie A. Cozad
Commissioner Mike Freeman, Acting Chair Pro-Tem


Also, present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Controller, Barbara Connolly


 **MINUTES:** Commissioner Cozad moved to approve the minutes of the Board of County Commissioners meeting of April 25, 2018, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on April 25, 2018, as follows: 1) USR18-0008 – Kerr-McGee Gathering, LLC, 2) 2MJUSR18-12-1792 – DCP Lucerne 2 Plant, LLC, and 3) USR17-0066 – Genaro Nunez and Jose and Mariana Ramirez. Commissioner Cozad seconded the motion, which carried unanimously.


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

 **CONSENT AGENDA:** Commissioner Cozad moved to approve the Consent Agenda as printed. Commissioner Conway seconded the motion, and it carried unanimously. Commissioner Conway requested a clarification on the letter regarding the CDL Driver Testing Program.


PRESENTATIONS:


 1) CERTIFICATE OF APPRECIATION, DEPARTMENT OF PUBLIC SAFETY INFORMATION TECHNOLOGY – JACK STATLER: Acting Chair Pro-Tem Freeman read the certificate recognizing Mr. Statler for his contributions and dedication of his time toward the improvement of the safety of Weld County citizens. Ryan Rose, Director of the Department of Information Technology, thanked Mr. Statler for his leadership and advocating for Team Weld. Mike Wallace, Director of the Department of Public


Safety Communications, stated Mr. Statler was instrumental in bringing the City of Greeley and the County's communication centers together and then took over the operations of Communications Department. Mr. Statler thanked the Board for their support and expressed his appreciation of being part of Team Weld. He recognized the excellence of the Public Safety Communications Department for ensuring the safety of Weld County residents. Each Commissioner thanked Mr. Statler for his contributions to the Departments of Public Safety and Information Technology and for the efficient system to notify fire and police and stated he will be greatly missed. Commissioner Conway reported Mr. Statler was recognized for his contributions to public safety for the City of Greeley, as well as Weld County. Commissioner Freeman thanked Mr. Statler for serving as a member of the 911 Emergency Telephone Service and Board Authority. *(Clerk's Note: The meeting was paused for a photo opportunity.)*


 **PUBLIC INPUT:** No public input was given.


BIDS:

 1) APPROVE BID #B1800085, CHIP SEAL OIL SUPPLY – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the two (2) bids received and stated staff recommends awarding to the low bidder, Vance Brothers, Inc., for the amount of \$489,285.00. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 2) APPROVE BID #B1800088, EMULSION DUST CONTROL AGENT – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff recommends awarding to the sole bidder, Cobitco Inc., for the total amount of \$63,630.00. In response to Commissioner Freeman, Mr. Turf stated this bid meets all specifications and it is below the projected budget. Commissioner Cozad moved to approve said sole bid. The motion was seconded by Commissioner Conway, and it carried unanimously.

 3) APPROVE BID #B1800086, WELD COUNTY 1105 H STREET REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the seven (7) bids received and stated staff recommends awarding to the low bidder, L4 Construction, LLC, for \$79,369.00. In response to Commissioner Conway, Mr. Turf stated he is unsure if TCC Corporation is located in Weld County. Commissioner Conway acknowledged it is over the percentage allowed to consider a Weld County Company, so he then moved to approve said bid as recommended by staff. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 4) PRESENT BID #B1800071, HISTORICAL DOCUMENT SCANNING-PROPERTY RESEARCH – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the three (3) bids received and stated staff will bring back a recommendation on May 14, 2018.

 5) PRESENT BID #B1800084, WELD COUNTY 1401 BUILDING REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the three (3) bids received and stated staff will bring back a recommendation on May 14, 2018.


NEW BUSINESS:


 1) CONSIDER CHANGE ORDER #4 FOR CENTENNIAL SIDEWALKS (BID #B1700078) AND AUTHORIZE CHAIR TO SIGN – GROWLING BEAR COMPANY, INC: Toby Taylor, Director of the Department of Buildings and Grounds, presented the change order for the amount of \$1,600.00. Mr. Taylor stated during the demolition the subcontractor jackhammered through the roof of the underground Sheriff Training area. Commissioner Cozad moved to approve said Change Order #4 and authorize the


Acting Chair Pro-Tem to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 2) CONSIDER CONTRACT ID #1773 LEASE AGREEMENT FOR LUPTON BOTTOM DITCH SHARES AND AUTHORIZE CHAIR TO SIGN – RAY DOMENICO FARMS, INC: Devin Traff, Department of Public Works, presented the terms of the lease agreement for two (2) shares with Ray Domenico Farms for a one (1) year period, in the amount of \$4,800.00. Mr. Traff stated the lease agreement payment will cover the annual assessment costs charged by the ditch company. Commissioner Conway moved to approve said lease agreement and authorize the Acting Chair Pro-Tem to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 3) CONSIDER CONTRACT ID #1766 LEASE AGREEMENT FOR FULTON DITCH SHARES AND AUTHORIZE CHAIR TO SIGN – JAMES ANGLIN: Mr. Traff stated this lease agreement is for a one (1) year period, in the amount of \$1,680.00. Mr. Traff stated James Anglin will submit the data to show beneficial use of the water, prior to November 30, 2018. Commissioner Cozad moved to approve said lease agreement and authorize the Acting Chair Pro-Tem to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 4) CONSIDER TEMPORARY CLOSURE OF CR 8 BETWEEN CRS 27 AND 37: Amy Joseph, Department of Public Works, presented the closure beginning May 8, 2018, through May 11, 2018, for a culvert replacement. Commissioner Conway moved to approve said temporary closure. Seconded by Commissioner Cozad, the motion carried unanimously.


 5) CONSIDER TEMPORARY CLOSURE OF CR 380 BETWEEN CRS 52 AND 67: Ms. Joseph reviewed the details of the closure effective May 8, 2018, through May 11, 2018, to replace a damaged irrigation culvert and water will be used for dust abatement on the detour route. Commissioner Cozad moved to approve said temporary closure. The motion, which was seconded by Commissioner Conway, carried unanimously.


 6) CONSIDER TEMPORARY CLOSURE OF CR 31 BETWEEN CRS 64 AND 66, AND CRS 74 AND 76: Ms. Joseph presented the terms of the temporary closure requested by Public Service Company of Colorado so they can complete the federally mandated upgrades and maintenance to their gas transmission pipeline. She stated the closures will be consecutive and they will use magnesium chloride on County Road 76. Commissioner Cozad moved to approve said temporary closure. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Cozad commended the Department of Public Works about the great condition of CR 19.


 7) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – S11, T4N, R67W (0.426997 ACRES): Esther Gesick, Clerk to the Board, presented the terms of a one-time six (6) month extension of the Oil and Gas Lease for Great Western Operating Company for the total amount of \$170.80. Commissioner Cozad moved to approve said extension of Oil and Gas Lease. Seconded by Commissioner Conway, the motion carried unanimously.


 8) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – S11, T4N, R67W (0.12 ACRES): Commissioner Conway moved to approve said extension of the Oil and Gas Lease. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 9) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – S11, T4N, R67W (0.189394 ACRES): Commissioner Cozad moved to approve said extension of Oil and Gas Lease. The motion, which was seconded by Commissioner Conway, carried unanimously.

 10) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – S11, T4N, R67W (0.461142 ACRES): Commissioner Conway moved to approve said extension of Oil and Gas Lease. The motion, which was seconded by Commissioner Cozad, carried unanimously.

 11) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – S11, T4N, R67W (0.195133 ACRES): Commissioner Cozad moved to approve said extension of Oil and Gas Lease. The motion, which was seconded by Commissioner Conway, carried unanimously.

 12) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – S11, T4N, R67W (0.258264 ACRES): Commissioner Conway moved to approve said extension of Oil and Gas Lease. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 13) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – TREVOR PELLERITE: Commissioner Cozad moved to approve said appointment and authorize the Acting Chair Pro-Tem to sign. Seconded by Commissioner Conway, the motion 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 9:38 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

EXCUSED

Steve Moreno, Chair

EXCUSED

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

Mike Freeman, Acting Chair Pro-Tem