


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO AUGUST 1, 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, August 1, 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 July 30, 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 Kirkmeyer moved to approve the Consent Agenda, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.


PRESENTATIONS:


 1) RECOGNITION OF SERVICES, SHERIFF'S OFFICE – VICKI HARBERT: Chair Moreno read the certificate for the record, recognizing Ms. Harbert for outstanding, dedicated service to the citizens of Weld County. Donnie Patch, Under Sheriff, recognized Ms. Harbert for her years of service and presented her with a plaque and pin. Ms. Harbert thanked the Sheriff's Office for the opportunities afforded her. Ed Jordan, former Weld County Sheriff, stated it was a pleasure to work with Ms. Harbert and expressed his pride related to the work she performed for the Weld County Sheriff's Office. Each Commissioner thanked Ms. Harbert for serving the citizens of Weld County and for her professionalism when dealing with crisis situations. Chair Moreno thanked her for her positive attitude. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 **PUBLIC INPUT:** Steve Doerschlag, resident of Eaton, expressed his frustration with the increased truck traffic and noise on County Roads (CRs) 43 and 74. He stated the truck traffic has increased with


the oil field, and mega dairies being constructed. He stated he has an issue with the trucks using Jake brakes and detailed the negative impact it has had on him and his renters. He requested signs be installed alerting truck drivers to limit their use of Jake brakes, and stated the worst offenders are the trucks related to agriculture. He stated the trucks are loud and inquired if there is a noise ordinance in Weld County. Bruce Barker, County Attorney, stated the noise ordinance doesn't address traffic or agriculture noise; however indicated signs are available. Commissioner Kirkmeyer explained enforcement would be difficult and signs would be a courtesy, at best. He noted CR 43 is being used as the truck bypass for U.S. Highway 85, and expressed the need for the County to extend CR 49 up to State Highway 392, to alleviate the traffic along CR 43. Chair Moreno referred Mr. Doerschlag to Jay McDonald, Director of the Department of Public Works, and Jason Maxey, Department of Planning Services. Commissioner Freeman thanked Mr. Doerschlag for bringing this matter to the forefront, to help address the noise coming from the use of Jake brakes along the County roads.


BIDS:

 1) APPROVE BID #B1800127, HUMAN SERVICES BUILDING A REMODEL DATA CABLE – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, reviewed the four (4) bids received and stated staff recommends awarding to the low bidder, Sturgeon Electric Company, Inc., for the total amount of \$42,454.10. Commissioner Kirkmeyer moved to approve said low bid. Commissioner Conway seconded the motion, and it carried unanimously.

 2) APPROVE BID #B1800128, CISCO 9300 SWITCHES – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the three (3) bids received and stated staff recommends awarding to the low bidder, Advanced Network Management, for the total amount of \$98,162.96. Commissioner Conway moved to approve said low bid. The motion, which was seconded by Commissioner Freeman, carried unanimously.


NEW BUSINESS:


 1) CONSIDER CONTRACT ID #1834 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – KAREN BRAUNAGEL: Karin McDougal, Assistant County Attorney, presented the terms of the agreement for the purchase of Foster Care Services with Karen Braunagel, a certified Weld County Foster Home. In response to Commissioner Conway, Ms. McDougal explained the dates of the agreements are when the child was placed in the Foster Care Home. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 2) CONSIDER SEVEN (7) AMENDMENTS TO REGIONAL COMMUNICATIONS USER AGREEMENTS FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – VARIOUS ENTITIES: Mike Wallace, Director of the Department of Public Safety Communications, reviewed the details of the seven (7) amendments to agreements for wireless radio services with various entities. Commissioner Kirkmeyer moved to approve the seven (7) amendments and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously. In response to Commissioner Freeman, Mr. Wallace stated they have ten (10) signed agreements, and there are approximately 46 users total.

 3) CONSIDER ESTABLISHING THE NEIGHBORHOOD TO BE SERVED, DESIGNATING A COMMISSIONER TO MAKE ON-SITE INSPECTION AND SETTING THE HEARING DATE CONCERNING THE APPLICATION OF COLLISON BREWING COMPANY, LLC, DBA COLLISON BREWING COMPANY, FOR A BREW PUB (COUNTY) LIQUOR LICENSE: Bob Choate, Assistant

County Attorney, presented the new brew pub license application and stated the Board needs to designate a Commissioner to conduct an on-site inspection, as well as set the hearing date. He stated the recommended date for the hearing is August 27, 2018. Commissioner Kirkmeyer moved to designate Commissioner Conway to conduct an on-site inspection, and set the hearing for August 27, 2018. Seconded by Commissioner Conway, the motion carried unanimously.

 4) CONSIDER PROPERTY USE AGREEMENT FOR PLANNING COMMISSION IPAD AND AUTHORIZE CHAIR TO SIGN – ELIJAH HATCH: Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 5) CONSIDER DIRECTING CLERK TO THE BOARD TO HAVE PUBLISHED EMERGENCY ORDINANCE NO. 254-A SUPPLEMENTAL APPROPRIATION FOR 2018: Commissioner Kirkmeyer moved to direct the Clerk to the Board to publish Emergency Ordinance No. 254-A. The motion was seconded by Commissioner Freeman, 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 9:32 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 AUGUST 6, 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, August 6, 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 – EXCUSED (arrived at 9:03 a.m.)
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 August 1, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **READ ORDINANCE BY AUDIO:** Commissioner Conway moved to read Code Ordinance 2018-03 and 2018-05 by audio. The motion was seconded by Commissioner Freeman and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on August 1, 2018, as follows: 1) USR18-0025 – Manuel G. Ruiz Prieto, c/o Ruiz Trucking, LLC, 2) USR18-0043 – ONEOK, Inc., and 3) USR18-0029 – Front Range Dairy, LLC, c/o Expedition Water Solutions; and Hearings conducted on August 2, 2018: 1) Board of Equalization. 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 Freeman seconded the motion, and it carried unanimously.


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


BIDS:


 1) PRESENT BID #B1800130, ROOF TOP UNIT REPLACEMENT (ISLAND GROVE EXTENSION) – DEPARTMENT OF BUILDINGS AND GROUNDS: Christie Peters, Department of Purchasing, presented the six (6) bids received and stated staff will bring back a recommendation on August 20, 2018. *(Clerk's Note: Commissioner Kirkmeyer arrived at 9:03 a.m.)*


 2) APPROVE BID #B1800129, MISSILE SITE CONCRETE REPAIRS – DEPARTMENT OF BUILDINGS AND GROUNDS: Ms. Peters presented the sole bid received and stated staff recommends awarding to the sole bidder, TLM Constructors, Inc., for the amount of \$30,200.00. In response to Commissioner Conway, Toby Taylor, Director of the Department of Buildings and Grounds, stated they are under the budgeted amount of \$50,000.00. Commissioner Freeman moved to approve said sole bid. Seconded by Commissioner Conway, the motion carried unanimously.


NEW BUSINESS:

 1) CONSIDER EASEMENT QUIT CLAIM DEED TO TRANSFER THREE (3) SLOPE EASEMENTS AND AUTHORIZE CHAIR TO SIGN – TOWN OF ERIE: Frank Haug, Assistant County Attorney, reviewed the details for the transfer of three (3) slope easements. He explained the County received the slope easements along County Road (CR) 10.5, west of CR 3, which has been annexed into the Town of Erie and Weld County no longer maintains the road. Mr. Haug stated the slope easements are to keep snow from building up on the road. Commissioner Cozad moved to approve said transfer of three (3) slope easements and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 2) CONSIDER PERMIT APPLICATION AND REPORT OF CHANGES TO CHANGE RINN VALLEY, LLLP, FROM OLE HICKORY SMOKEHOUSE AND TAVERN TO RINN VALLEY RESTAURANT AND TAVERN, AND AUTHORIZE CHAIR TO SIGN: Bob Choate, Assistant County Attorney, presented the permit application and stated the Ole Hickory Smokehouse is changing their name to Rinn Valley Restaurant and Tavern, and there are no concerns. Commissioner Freeman moved to approve said application and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.


 3) CONSIDER CONTRACT ID #2008 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – EVANS FIRE PROTECTION: Mike Wallace, Director of the Department of Public Safety Communications, reviewed the terms of the amendment to the agreement for wireless radio services with the Evans Fire Protection District. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.




 4) CONSIDER TEMPORARY CLOSURE OF CR 54 BETWEEN CRS 15 AND 17: Cameron Parrott, Department of Public Works, presented the temporary closure effective August 14, 2018, through August 17, 2018, for a culvert replacement. Commissioner Conway moved to approve said temporary closure. The motion, which was seconded by Commissioner Cozad, carried unanimously. In response to Commissioner Cozad, Mr. Parrott stated he will do research to find out if there is a scheduled closure on CR 54.

 5) CONSIDER AUTHORIZING BOARD OF COUNTY COMMISSIONERS TO ADJOURN AS BOARD OF EQUALIZATION FOR CALENDAR YEAR 2018: Commissioner Cozad moved to adjourn the Board of Equalization for 2018. The motion was seconded by Commissioner Conway, and it carried

unanimously. Each of the Commissioners extended thanks to Chris Woodruff, Assessor, and all staff for their hard work and professionalism.


PLANNING OLD BUSINESS:

 1) CONSIDER EXTENSION OF TIME SUBMITTAL OF FINAL PLAN FOR CHANGE OF ZONE, PZ-1071, FOR ALDER ESTATES PUD – MEAD CROSSINGS, LLC (*CONT'D FROM 5/2/2018*): Kim Ogle, Department of Planning Services, stated Mead Crossings, LLC, would like more time to submit their Final Plan for a Change of Zone for Alder Estates PUD. He stated the Board recommended continuing this matter for three (3) months, to allow the applicant time to provide letters from the Longs Peak Water District stating water service is feasible and available and from the developer that they can obtain financing for the water project. Mr. Ogle stated the requestor has submitted a Financial Statement demonstrating the ability to finance the development and the water project needed for the subdivision.


 Fred Kelly, Manager of Mead Crossings, LLC, stated he has obtained a copy of the commitment letter from the Longs Peak Water District. Bruce Barker, County Attorney, stated the commitment letter will become part of the record; however, Mr. Kelly has requested to keep the financial statements confidential. He stated the financial documents demonstrate there is access to capital to finance infrastructure, as well as the overall project. Mr. Ogle stated he concurs with the applicant. In response to Commissioner Cozad, Mr. Kelly stated he has met with the Longs Peak Water District and the Town of Mead to work on an agreement concerning water service. Mr. Kelly stated a Special District needs to be created; therefore, he requested an additional one-year extension to create the Special District and finalize the plat. Commissioner Cozad clarified Mr. Kelly's request, and he stated it is possible to create a Special District by November 2018. In response to Commissioner Kirkmeyer, Mr. Kelly confirmed the Longs Water District doesn't have the capacity or infrastructure to serve the entire development and currently can only serve 300 units. Mr. Kelly stated he was planning on a neighboring developer to share with the costs of the water line; however, since the City of Longmont recently purchased the land there won't be anyone to share the cost. In response to Commissioner Kirkmeyer, Mr. Kelly stated the financing will come from Municipal Bonds; most banks aren't willing to finance for 40 years for infrastructure. Mr. Kelly stated there is a property owner to the north that would be willing to share the cost to have Longs Peak Water District provide water service. In response to Commissioner Cozad, Mr. Kelly stated they will pursue reimbursement for the construction of the infrastructure and he stated the infrastructure facility will initially be built to provide service to his project. In response to Chair Moreno, Mr. Kelly stated he will need at least one year to get the infrastructure in place.  Commissioner Cozad expressed her frustration with the length of time this matter has been continued. She reminded Mr. Kelly, back in May, 2018, the Board granted 90 days to submit the letter from the Longs Peak Water District. She stated she would be willing grant an extension to May 31, 2019, to submit the final plan. Commissioner Conway concurred with Commissioner Cozad's comments. Commissioner Kirkmeyer stated she disagrees with her fellow Commissioners, and commented Mr. Kelly has not demonstrated he has his adequate financing. Commissioner Kirkmeyer stated he should already have the Special District in place, because he has had since 2005. She stated Mr. Kelly has not demonstrated he has the ability to obtain water. Chair Moreno agreed Mr. Kelly doesn't have the capacity to obtain water. Commissioner Cozad stated there is water for 300 lots available, so Mr. Kelly could create the final plat with different phases. In response to Commissioner Conway, Mr. Kelly reported there is enough CBT water to serve half the units. Mr. Kelly stated they never intended to build 800 lots at once and it will be done in phases.  Mr. Kelly stated he has purchased additional water to move forward with the project. Commissioner Freeman stated he supports giving Mr. Kelly until May 31, 2019, because he made progress and acknowledged all the work Mr. Kelly has completed. Commissioner Cozad moved to grant an extension to June 3, 2019, at 9:00 a.m. The motion was seconded by Commissioner Conway and, upon a roll call vote, the motion passed four to one with Commissioner Kirkmeyer opposed.


PLANNING:


 1) CONSIDER RECORDED EXEMPTION, RECX18-0075 – ERICA ARNOLD: Michael Hall, Department of Planning Services, presented the request for a two (2) lot Recorded Exemption on Lot B. He presented a slide presentation and photos displaying the location of the parcel. He pointed out it is located in the 100-year floodplain and the Platte River flows through the southern portion of the parcel. He explained the Town of Kersey has requested the applicant reserve a corridor for a future nature trail. He stated Lot B contains a residence and several outbuildings and Lot A is vacant. In response to Commissioner Conway, Mr. Hall stated Lot A will be in the floodplain and floodway according to the new FEMA mapping.  Erica Arnold, applicant, stated Lots A and B are in the 100-year flood boundary so it isn't practical to expand. She explained Lot A has been used for recreational and business storage and, since this lot is being labeled as a floodpath it will be hard to insure the property. In response to Ms. Arnold, Commissioner Kirkmeyer stated the mapping revision project is not done by the County; it is a FEMA project. Ms. Arnold stated she would like to sell Lot A to purchase another lot that will be out of the flood path, to move her business storage. In response to Commissioner Conway, Mr. Hall stated a standard building permit could be obtained if built out of the floodplain, and if there is building to occur in the floodway the applicant would need to obtain a Flood Hazard Development permit. He stated once the lot is designated as a floodway the applicant would have to obtain a Letter of Mapping Revision (LOMR) from FEMA. Commissioner Kirkmeyer stated if the County were to allow building to occur in a floodplain or floodway it would hamper the ability of anyone in the County to obtain insurance. Mr. Barker stated the floodway or floodplain isn't criteria of the determination of a Recorded Exemption. In response to Commissioner Cozad, Mr. Hall stated it is impractical to have a PUD or minor subdivision. She stated there is engineering that can be done to elevate the site out of the floodplain. He displayed a photo of the accesses and stated the Department of Public Works requires a shared access. In response to Commissioner Cozad, Evan Pinkham, Department of Public Works, stated the ADT is 640 vehicles per day, with 27% trucks. Commissioner Conway stated the extenuating circumstances for this request is a PUD or a minor subdivision are not an option. Commissioner Freeman stated the Department of Planning Services is denying the Recorded Exemption because it doesn't meet the 35-acre minimum requirement, but he supports the Recorded Exemption overall. Commissioner Cozad stated the appellant is limited to the options of the property. She stated any future owner of the property understands they are located in the floodplain and there needs to be a shared access because of the traffic on CR 388. Mr. Pinkham stated there could be an easement on Lot A, for the access to Lot B. Commissioner Kirkmeyer stated proposing a recreational lot and not residential.  Commissioner Cozad stated she will approve the Recorded Exemption with a shared access. In response to Mr. Pinkham, Commissioner Cozad stated the current access will be the approved access point. Mr. Barker explained the Board does not have to make the determination of the shared access point. Commissioner Cozad suggested removing COA #1. A, and allowing the applicant to work with the Town of Kersey on the trail. Commissioner Conway moved to approve said Recorded Exemption, which was seconded by Commissioner Freeman. Commissioner Kirkmeyer stated she supports the Recorded Exemption but does not believe there are extenuating circumstances; however, the Lot isn't a buildable lot. Commissioner Cozad stated the extenuating circumstances are the applicant has limited options for the lot, but it is a buildable lot because it isn't in the floodplain as shown on the map. Commissioner Conway acknowledged Ms. Arnold voluntarily closed an access point and recognized the safety issue it presented. There being no further discussion, the motion carried unanimously.


 2) FIRST READING OF WELD COUNTY CODE ORDINANCE #2018-03, IN THE MATTER OF REPEALING AND REENACTING WITH AMENDMENTS, CHAPTER 2 CHAPTER ADMINISTRATION, CHAPTER 8 PUBLIC WORKS, CHAPTER 23 ZONING, CHAPTER 24 SUBDIVISIONS (*HISTORIC TOWNSITE*), OF THE WELD COUNTY CODE: Tom Parko, Director of the Department of Planning Services, presented a brief summary on the background of the Code which deals with historic townsites. He commended the Departments of Public Works, Public Health and Environment, County Attorney's


Office, and the Department of Planning Services for all their hard work on this matter. Michelle Martin, Department of Planning Services, presented an overview of the changes to the Code. She stated, Chapter 24, Article IV, will combine the processes of a Resubdivision into a streamlined process. She stated they added a provision which will allow the Department of Planning Services to issue an address if there is a Weld County Oil and Gas Location Assessment (WOGLA). Dawn Anderson, Department of Public Works, gave an overview of Chapter 8, which cleaned up the language that deals with signage and roads. Lauren Light, Department of Public Health and Environment, presented the changes to setbacks for property lines regarding water and sewer lines and stated the department is requiring submittal of a Master Site Plan. No public input was offered concerning this matter. Commissioner Kirkmeyer moved to approve Code Ordinance #2018-03 on First Reading. The motion, which was seconded by Commissioner Conway, carried unanimously.



 3) FIRST READING OF WELD COUNTY CODE ORDINANCE #2018-05, IN THE MATTER OF REPEALING AND REENACTING WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 26 REGIONAL URBANIZATION AREAS (PIPELINES), OF THE WELD COUNTY CODE: Mr. Parko reviewed the background and process for regulation and standards regarding natural gas, petroleum, and other types of gathering, flow pipelines. He stated there were several productive stakeholder meetings. Ms. Martin presented an overview of the Code changes, including the addition of a definition for flow lines and they will be indicated on the map component. She reported a new process called Location Assessment for Pipelines (LAP). She stated staff just received the industry comments last Friday and would like to continue to work with them to address their concerns. In response to Commissioner Cozad, Ms. Martin stated they are requiring plans and profiles during the right-of-way process.

 Ryan Seastrom, representative from the Colorado Oil and Gas Association (COGA), thanked the Commissioners for involving the industry in the Code Ordinance process. He stated he believes the Administrative approval process will streamline the process; however, COGA has concerns with the LAP process, specifically the pipeline depths under the roadways. He suggested a phasing in-period, so the companies can adjust to the requirements. He expressed concerns with the inability to begin construction until all rights-of-ways are secured, which may cause significant delays. In response to Commissioner Cozad, Mr. Seastorm stated his understanding is construction can only be started within the rights-of-way which have been secured. Mr. Seastorm stated he is not familiar with the USR process in the relation to rights-of-way. In response to Chair Moreno, Mr. Seastorm stated COGA's membership consists of 300 companies and a majority operate in Weld County.

 Doug Dennison, representative of High Point Resources, stated he supports Mr. Seastorm's comments and stated this process will involve landowners in the process. He stated there needs to be more discussion about the depths for pipelines and expressed his concern with the section line crossing. He stated the different depth requirements could pose potential issues with the operation of the pipeline, if there is a low spot in the pipe it may change the velocity. In response to Commissioner Kirkmeyer, Mr. Dennison stated the requirement is the pipe must be five (5) feet below the ditch. He stated the pipe is usually located below the 10-12 feet under the roadway.

 Jeannette Jones, representative of Noble Midstream, presented her concerns with the changes in the Code, with the most concerning being there is no official cut-off date for the implementation of the LAP requirements. She inquired when the LAP process will be implemented because they have one project which needs to be done during the winter months; so they don't impact the crops. She suggested the projects that have been previously approved by a USR be grandfathered in, so they are able to stay within the already established timeframe. She proposed a compromise to grant the operator a waiver and make the pipeline operator pay the costs to relocate the pipe if there is roadway construction. She stated flowline information should be available to the public. In response to Commissioner Kirkmeyer, Ms. Jones stated they haven't come up with a proposed depth which they are ready to recommend. Ms. Jones clarified they have technical data that states the depth of three (3) to five (5) feet is sufficient under a roadway to protect the pipelines and are coming up with a practical depth where the bending radius of

the pipe has been considered. Commissioner Cozad stated the Department of Public Works wants the other utilities along the corridor taken into consideration.  In response to Commissioner Conway, Elizabeth Relford, Department of Public Works, stated CDOT's five (5) foot depth requirement is for the frostline and will make the pipeline owner come up with a justification why the depth should be less than five (5) feet.

 Dennis Hoshiko, resident of Greeley, stated the proposed changes are deficient because they exclude the natural gas pipelines, which are less than 12 inches diameter. He stated the pipeline easements are a width of 60 feet and the land becomes unusable. Mr. Hoshiko proposed Natural Gas pipeline limitations be eliminated so all natural gas pipelines are included. He suggested replacing the word "*companies*" with "*owners*" in Chapter 23, as well as adding "*and ditch easements.*" He stated the depth requirements for pipelines are regulated for safety. He stated CDOT required the pipeline constructed by the Saddle Horn facility to be at least 20 feet deep below the roadway. In response to Commissioner Cozad, Mr. Hoshiko stated the unincorporated ditches are owned by several individual entities. He stated the ditches can be several miles long and maybe owned by multiple entities, with only the owners impacted where the pipeline crosses. Commissioner Conway clarified the term "*companies*" and "*effective owners*" should be included in the Code.  In response to Commissioner Cozad, Ms. Martin confirmed the Second reading of Code Ordinance #2018-05, is scheduled for August 29, 2018. Commissioner Kirkmeyer suggested the second reading be continued if needed, because there needs to be further discussion about the requirements for depth regulations. She requested additional information concerning how CDOT determined depth along U.S. Highway 34. She acknowledged the deeper the pipeline, the more impact it has the property owner, and she has concerns with the impact the pipelines could have on irrigation ditches. Commissioner Kirkmeyer stated it is important to be involved in the depth requirements concerning irrigation ditches. She suggested having a start date for January 15, or February 1, 2019, for the implementation of the LAP process. Commissioner Freeman stated the property owners don't want pipelines crossing all over their property. Commissioner Cozad stated if the projects are in progress and the owner can show this then they won't have to obtain a USR and there needs to be an implementation date. Commissioner Conway stated he would like the Department of Planning Services to bring the number of pending USR's concerning pipelines. Commissioner Kirkmeyer suggested staff review the implementation date of the LAP, as well as when pipelines become an administrative review/approval process. Commissioner Cozad moved to approve Code Ordinance #2018-05 on First Reading. The motion, which was seconded by Commissioner Conway, carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2018-03 and 2018-05 were approved on First 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 11:45 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

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO AUGUST 8, 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, August 8, 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 August 6, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.


 **AMENDMENTS TO AGENDA:** Commissioner Kirkmeyer moved to add the following to New Business: 7) Consider Memorandum of Understanding Regarding Railroad Facility Improvements and authorize Chair to sign – Town of LaSalle and Union Pacific Railroad Company. Seconded by Commissioner Conway, the motion carried unanimously.


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


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


NEW BUSINESS:



 1) CONSIDER CONTRACT ID #2014 INTERGOVERNMENTAL AGREEMENT FOR SPILLMAN RECORDS USE AND SUPPORT AND AUTHORIZE CHAIR TO SIGN – DACONO POLICE DEPARTMENT: Josh Thimgan, Department of Information Technology, presented the terms of the Intergovernmental Agreement with the Dacono Police Department to utilize on Weld County's Spillman Program for records management. Commissioner Conway moved to approve said Intergovernmental Agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.




 2) CONSIDER CONTRACT ID #1897 INTERGOVERNMENTAL AGREEMENT FOR SPILLMAN RECORDS USE AND SUPPORT AND AUTHORIZE CHAIR TO SIGN – EVANS POLICE DEPARTMENT: Mr. Thimgan presented the Intergovernmental Agreement to allow Evans Police Department to utilize the records management component of Weld County’s Spillman program. Commissioner Cozad moved to approve said Intergovernmental Agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 3) CONSIDER RELEASE OF LIEN FOR SPECIAL ASSESSMENT OF DAILY PENALTIES FOR A ZONING VIOLATION – 1138 CR 33.5, BRIGHTON, COLORADO: Karin McDougal, Assistant County Attorney, requested the lien be released because the property is being sold, the penalties have been paid, and the property was brought into compliance. Commissioner Conway moved to approve said release of lien for a Special Assessment. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 4) CONSIDER CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – ABEL VEGA: Ms. McDougal presented the request to certify penalties against the property owner, for the total amount of \$18,100.00. She explained the violation is a non-conforming Residential use in an Industrial Zone District No public testimony was offered concerning this matter. Commissioner Conway stated he doesn’t agree with imposing penalties on a property owner. He stated his concern is that if the property ever went to a tax sale the owner could lose the property. Commissioner Cozad explained staff works with property owners to come into compliance and this property has been out of compliance since 2015, with no evidence of any effort to bring the property into compliance. In response to Commissioner Kirkmeyer, Ms. McDougal stated the landowner had previously been certified. Commissioner Cozad moved to approve said Certification to the Weld County Treasurer. The motion, which was seconded by Commissioner Kirkmeyer, and upon a roll call vote, the motion passed four to one, with Commissioner Conway opposed.

 5) CONSIDER CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHRISTINA ELAM AND DONALD HARRIS: Ms. McDougal presented the request to certify penalties against the property owners for violations concerning the use of recreational vehicles as residential purposes. Commissioner Freeman moved to approve said Certification to the Weld County Treasurer. Seconded by Commissioner Kirkmeyer, and upon a roll call vote, the motion passed four to one, with Commissioner Conway opposed.

 6) CONSIDER CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – LANCE RAUSCH: Ms. McDougal presented the request to certify penalties against the property owner for violations. Lisa Carpenter, Sheriff’s Office Deputy stated they responded to the property several times related to criminal activity, they have recovered stolen property and responded to a weapons call. Bethany Pascoe, Zoning Compliance Officer, stated she has notified the adjacent property owner that there is junk spilling over the property line.  Lance Rausch, property owner and resident of Milliken, stated he is working to evict the current tenants who are running a recycling business and residing on the property. He stated he was not previously aware of the criminal activity on the property. In response to Commissioner Cozad, Mr. Rausch stated he understood that once he had screening from the road, then the property was in compliance. He stated he is out-of-state most of the time assisting his elderly parents, and he has obtained an attorney to evict the individuals squatting on the property and to advise him on the violation. In response to Commissioner Cozad, Mr. Rausch stated he is requesting a continuance, so his attorney can be present. Ms. McDougal stated the attorney, Mr. Janklow, has requested September 12, 2018. Commissioner Kirkmeyer stated her frustration is this

property has been in violation for two (2) years and there have been no attempts to rectify the violations and there needs to have a permit for the recycling business. Mr. Rausch stated he has been trying to remove tenants off the property. In response to Commissioner Conway, Ms. McDougal stated if this matter is continued she will reach out to Mr. Rausch's attorney. She clarified he appeared in court earlier this year and requested a continuance to hire an attorney. Commissioner Cozad stated Mr. Rausch is not being a responsible landowner. Mr. Rausch explained imposing a fine is not the effective way to handle this matter and eventually he would like to build out there. He reported there are 20 mobile homes being stored on the property. Commissioner Cozad agrees staff works with property owners, but this property needs to be brought into compliance. Commissioner Kirkmeyer reiterated the attorney was not hired in 2016, and Mr. Rausch went to court in January without an attorney.  Fred Levitt, surrounding property owner, stated the violations are getting worse, there is an increase in the noise, junk and activity, and as a result, his property value has gone down. Ms. Pascoe pointed out the location of the property boundaries between Mr. Rausch and Mr. Levitt's land.  Commissioner Kirkmeyer explained she is not in support of continuing this matter. She stated Mr. Rausch has been allowing camping and criminal activity on the property. She further expressed her frustration with the property owner allowing the expansion of a non-commercial junk yard, and remaining out of compliance for two (2) years. Ms. McDougal confirmed an attorney has been retained. Commissioner Conway stated adding more fines will not help the landowner come into compliance. Commissioner Freeman stated it is important to get the property cleaned up, and he believes the property owner has been aware of the violations and the obvious criminal activity occurring on the property, and because of those reasons he is willing to assess a fine on September 12th. Chair Moreno stated he would like to see this property cleaned up and the criminal activity cease. He encouraged Mr. Rausch to make a substantial effort to clean up the property and evict the current tenants.  In response to Commissioner Kirkmeyer, Mr. Barker stated once the penalty is certified there is an obligation for it to go to the Treasurer's Office. She explained, since the property owner has allowed expansion of the junk, she believes the next step is to assess a fine. Commissioner Cozad stated there has been disregard for the neighbor's safety and the zoning requirements, and if there is continued issues with law enforcement, she will support imposing an assessment. Commissioner Cozad moved to continue said matter to September 12, 2018. The motion was seconded by Commissioner Conway. Upon a roll call vote the motion passed four to one, with Commissioner Kirkmeyer opposed. In response to Commissioner Kirkmeyer, Deputy Carpenter stated they discovered the stolen property while responding to a call.

 7) CONSIDER MEMORANDUM OF UNDERSTANDING REGARDING RAILROAD FACILITY IMPROVEMENTS AND AUTHORIZE CHAIR TO SIGN – TOWN OF LASALLE AND UNION PACIFIC RAILROAD COMPANY: Elizabeth Relford, Department of Public Works, presented the agreement with the Union Pacific Railroad which will contribute \$750,000.00, as part of a DOLA match; the Town of LaSalle will apply for the grant and the County will facilitate the design of a connector road. Commissioner Kirkmeyer stated this has been a project that has been in the works for several years. Commissioner Conway agrees this has been a huge issue for the Town of LaSalle and it is an important project. Commissioner Kirkmeyer moved to approve said memorandum of understanding and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 8) CONSIDER CONTRACT ID #2036 ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT AGREEMENT FOR DESIGN AND FLOODPLAIN ANALYSIS FOR CR 39 CONNECTOR PROJECT (TIER I) AND AUTHORIZE CHAIR TO SIGN: Ms. Relford reviewed the terms of the agreement and explained the project will the cost \$440,000.00, the DOLA grant will be \$200,000.00, and the County's match will be \$240,000.00. She stated most of the funds will go to floodplain analysis to decide the location of the roadway. Commissioner Cozad thanked Ms. Relford for her hard work putting the grants together. She also thanked Commissioner Kirkmeyer for her tremendous

work with the Town of LaSalle. Commissioner Cozad moved to approve said agreement and authorize Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.



9) CONSIDER TEMPORARY CLOSURE OF CR 87 BETWEEN U.S. HIGHWAY 34 AND CR 42.5: Mike Bedell, Department of Public Works, presented the details of the temporary road closure effective August 13, 2018, through August 20, 2018, for roadway repairs. The motion, which was made by Commissioner Freeman, and seconded by Commissioner Cozad, carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. No Ordinances were approved.

Let the minutes reflect that the above and foregoing actions were attested to and respectfully submitted by the Clerk to the Board.

There being no further business, this meeting was adjourned at 10:06 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

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO AUGUST 13, 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, August 13, 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 August 8, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Cozad moved to approve the Certification of Hearings conducted on August 8, 2018, as follows: 1) USR18-0001 – WETCO Farms, Inc., c/o Brett Bloom, 2) COZ18-0002 – Brady Rentals, LLC, and 3) USR18-0039 – Stroh Family Trust, OOG&S, LLC, c/o Discovery DJ Services, LLC. Commissioner Kirkmeyer 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.


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


BIDS:


 1) PRESENT BID #B1800132, METHANE MONITORING SYSTEM (FLEET SERVICES FACILITY) – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, presented the sole bid received and stated staff will bring back a recommendation on August 27, 2018.


NEW BUSINESS:

 1) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR 24-HOUR BALLOT DROP-OFF BOXES AND AUTHORIZE CHAIR TO SIGN – TOWN OF LOCHBUIE: Bruce Barker, County Attorney, reviewed the details of the intergovernmental agreement. Commissioner Cozad moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) CONSIDER CHANGE ORDER #1 FOR CNG FUEL SITE UPGRADE (BID #B1700124) AND AUTHORIZE CHAIR TO SIGN – WYOMING NORTHSTAR, INC.: Mike Bedell, Department of Public Works, presented change order #1 to add two (2) work items that were not included in the original scope of work, for the total amount of \$960,881.00. In response to Commissioner Conway, Mr. Bedell stated the project is still under the budget amount of \$556,000.00. Commissioner Cozad moved to approve said Change Order #1 and authorize Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 3) CONSIDER AGREEMENT PURSUANT TO C.R.S. §30-11-123 AND AUTHORIZE CHAIR TO SIGN – VESTAS BLADES AMERICA, INC.: Don Warden, Director of Finance and Administration, presented the personal property tax credit for Vestas Blades America, Inc., located in Windsor, Colorado. He stated the average wage will be \$49,205.00, and 63% of the employees are Weld County residents. The tax credited back after a ten (10) year period will be \$84,126.00. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 4) CONSIDER AGREEMENT PURSUANT TO C.R.S. §30-11-123 AND AUTHORIZE CHAIR TO SIGN – HEXCEL CORPORATION: Mr. Warden presented the terms of the personal property tax credit for Hexcel Corporation, located in Windsor, Colorado. He stated they will be adding 50 new jobs and the average salary is \$55,673.00. The tax credited back after a ten (10) year period will be \$31,687.00. In response to Commissioner Conway, Mr. Warden explained 50% of the jobs must be held by Weld County residents. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 5) CONSIDER REAPPOINTMENTS TO NOXIOUS WEED MANAGEMENT ADVISORY BOARD: Commissioner Cozad moved to approve said reappointments. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 6) CONSIDER APPOINTMENT TO REGIONAL COMMUNICATIONS ADVISORY BOARD: Commissioner Kirkmeyer moved to approve said appointment. The motion, which was seconded by Commissioner Conway, carried unanimously.


 7) CONSIDER REASSIGNMENTS TO BOARD OF PUBLIC HEALTH: Commissioner Kirkmeyer moved to approve said reassignments. The motion was seconded by Commissioner Conway, and it carried unanimously.


 8) CONSIDER APPOINTMENT TO BOARD OF TRUSTEES FOR NCMC: Commissioner Conway moved to approve said appointment. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 9) CONSIDER APPOINTMENT TO AREA AGENCY ON AGING ADVISORY BOARD:

Commissioner Cozad moved to approve said appointment. The motion, which was seconded by Commissioner Conway, carried unanimously.


 10) CONSIDER APPOINTMENT TO WORKFORCE DEVELOPMENT BOARD: Commissioner Kirkmeyer moved to approve said appointment. Seconded by Commissioner Cozad, the motion carried unanimously.


 11) CONSIDER APPOINTMENT TO WELD-LARIMER REVOLVING LOAN FUND COMMITTEE: Commissioner Freeman moved to approve said appointment. The motion was seconded by Commissioner Conway, and it carried unanimously.


 12) CONSIDER REAPPOINTMENT TO BOARD OF RETIREMENT: Commissioner Cozad moved to approve said reappointment. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Cozad extended her appreciation to the citizens that volunteered their time.

 13) FINAL READING OF WELD COUNTY CODE ORDINANCE #2018-06, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 9 INFORMATION SERVICES – ARTICLE I (*WELD COUNTY IT ACCEPTABLE USE POLICY*), OF THE WELD COUNTY CODE: Commissioner Kirkmeyer moved to read Code Ordinance #2018-06 by title only. The motion was seconded by Commissioner Cozad, and it carried unanimously. Mr. Barker read the title for the record. Ryan Rose, Director of the Department of Information Technology, reviewed the one (1) change made to the title from “*Services*” to “*Technology*”. Mr. Rose stated the policy was outdated and this will make it more in line with the County’s strategies. Commissioner Kirkmeyer stated the focus of the Code Ordinance was security. No public testimony was offered concerning this matter. The motion to approve on Final Reading, which was made by Commissioner Kirkmeyer and seconded by Commissioner Freeman, carried unanimously.

PLANNING:

 1) CONSIDER VACATION OF USE BY SPECIAL REVIEW PERMIT, SUP-64 – FIRESTONE CATTLE RANCH, LP, C/O DALLAS HORTON: Angela Snyder, Department of Planning Services, presented the request for a complete vacation of the Special Use Permit, SUP-64, for a turkey farm. She stated there are four (4) parcels and eight (8) existing homes, all four (4) properties are owned by Firestone Cattle Ranch, LP, and there are pending Recorded Exemptions in conjunction with Subdivision Exemptions. She stated the intent is to separate and sell the residences and to repurpose the property. Shannon Tooney, AGPROfessionals, represented the applicant and requested the vacation of SUP-64. Commissioner Cozad moved to approve said vacation. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 2) CONSIDER RESUBDIVISION, RES18-0003, TO DIVIDE LOT 5, BLOCK 4 CARRIAGE ESTATES 1ST FILING, INTO TWO (2) LOTS, DIVIDING THE DUPLEX ON THE PROPERTY ALONG THE COMMON PARTY WALL – CROPPER COUNTRY INNS III, LLC, AND THOMAS AND ANNABELLE CANZONA: Chris Gathman, Department of Planning Services, reviewed the request for a Resubdivision, to divide Lot 5 into two (2) lots along a common party wall. He stated the lot is zoned R-4 (High Density Residential). He displayed a presentation of the parcel. Tom Canzona, representative of Cropper County Inns III, LLC, was present to answer questions. Commissioner Kirkmeyer moved to approve said Resubdivision, with the Conditions of Approval as entered into the record. Seconded by Commissioner Conway, the motion carried unanimously.

 3) FINAL READING OF WELD COUNTY CODE ORDINANCE #2018-07, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 19 COORDINATED PLANNING AGREEMENTS (EVANS), OF THE WELD COUNTY CODE: Commissioner Kirkmeyer moved to read Code Ordinance #2018-07, by title only. The motion, which was seconded by Commissioner Freeman, carried unanimously. Mr. Barker read the title for the record. Tom Parko, Department of Planning Services, stated there have been no changes since the second reading. No public testimony was offered concerning this matter. The motion to approve on Final Reading, which was made by Commissioner Cozad, and seconded by Commissioner Conway, carried unanimously. Commissioner Conway thanked Mr. Parko for working with the City of Evans to get the Code in place.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-06, and #2108-07, were 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 9:26 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

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO AUGUST 15, 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, August 15, 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, Amanda Petzold
Controller, Barbara Connolly


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of August 13, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **READ ORDINANCE BY AUDIO:** Commissioner Conway moved to read Emergency Ordinance #254-A by audio. The motion was seconded by Commissioner Kirkmeyer and it 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.


PRESENTATIONS:


 1) RECOGNITION OF SERVICES, DEPARTMENT OF BUILDINGS AND GROUNDS – WILLIAM “BUTCH” GILLINGHAM: Chair Moreno read the certificate into the record, recognizing Butch Gillingham for his service to the County. Toby Taylor, Director of Buildings and Grounds, expressed his appreciation for the dedication and loyalty of Mr. Gillingham to the people of Weld County. Mr. Gillingham stated he will miss the friendships made within the County. Commissioner Cozad commented on her time spent with Mr. Gillingham in the Planning Department and thanked him for his years of service. Commissioner Kirkmeyer reflected on their shared experience of planting flowers together and made note of his friendly nature. Commissioners Freeman and Commissioner Conway echoed the words of their fellow Commissioners and wished him luck in his retirement. Chair Moreno reflected on his time shared with


Mr. Gillingham as Clerk and Recorder, and extended his appreciation for Mr. Gillingham's enjoyment in his job duties within Weld County. *(Clerk's Note: The Board paused the hearing for a photo opportunity.)*


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


NEW BUSINESS:


 1) CONSIDER CONTRACT ID #1895 AGREEMENT FOR SUBSTANCE ABUSE TREATMENT SERVICES AND AUTHORIZE CHAIR TO SIGN – SIGNAL BEHAVIORAL HEALTH NETWORK: Jamie Ulrich, Department of Human Services, this agreement ensures delivery of high-quality substance abuse evaluation and treatment services, which is for the Core Services Program. Ms. Ulrich stated the County contributes up to a maximum of \$300,000.00, and the contribution of Signal Behavioral Health Network is \$150,000.00. She stated this is a new contract, but indicated that Signal Behavioral Health Network has done a good job as a provider with past agreements. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 2) CONSIDER CONTRACT ID #1926 ATTESTATION STATEMENT FOR ACCEPTANCE OF CHILD WELFARE ALLOCATION AWARD AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich explained the agreement allows the County to utilize the funds as authorized by Senate Bill 15-242, to hire Child Welfare staff as approved by the Child Welfare Allocations Committee. She stated the Human Services Department is seeking approval for one Child Welfare Deputy Division Head, one Child Welfare Permanency Caseworker, and one Child Welfare Foster Care Coordinator. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 3) CONSIDER CONTRACT ID #1925 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – SEAN AND MELINDA COBURN: Ms. Ulrich presented the terms of the contract. Commissioner Conway moved to approve said provider contract and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.


 4) CONSIDER CONTRACT ID #1941 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ROSS AND KARI ULRICH: Ms. Ulrich presented the terms of the contract. Commissioner Cozad moved to approve said provider contract and authorize the Chair to sign. Commissioner Freeman seconded the motion, and it carried unanimously.


 5) CONSIDER CONTRACT ID #1944 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – CHRISTOPHER SHENK AND XIOMA DIAZ: Ms. Ulrich reviewed the terms of the agreement. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 6) CONSIDER CONTRACT ID #2052 MEMORANDUM OF UNDERSTANDING FOR JUSTICE ASSISTANCE GRANT (JAG) AND AUTHORIZE CHAIR TO SIGN – CITY OF GREELEY: Jennifer Oftelie, Weld County Sheriff's Office, stated this Justice Assistance Grant (JAG) money is given to law enforcement agencies each year based on population and crime statistics. She stated this year the Weld County Sheriff's Office was awarded \$13,152.00, which will be allocated toward the new Southwest sub-station to supplement the radios needed for the newly hired inmate transport deputies. Commissioner


Cozad moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 7) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R7455298 – BANK MIDWEST, N.A., COMMUNITY BANKS OF COLORADO, A DIVISION OF NBH BANK N.A.: Brenda Donnes, Weld County Assessor's Office, stated the abatement is for tax year 2017. She noted the tax agent for Bank Midwest advised via email that she would not be present and requested a denial of the petition for abatement, which preserves the right for a value adjustment if the Board of Assessment Appeals makes that determination. Ms. Donnes stated the circumstances for years 2017 and 2018 are the same, she further stated staff requests denial of said petition to sustain the value at \$1,085,000.00. The motion to deny said petition for abatement, which was made by Commissioner Cozad, and seconded by Commissioner Conway, carried unanimously.

 8) CONSIDER SUBMITTING AMENDMENTS TO WELD COUNTY HOME RULE CHARTER TO THE QUALIFIED ELECTORS OF THE ELECTION ON NOVEMBER 6, 2018: Bruce Barker, County Attorney, stated the resolution includes all recommendations made by the Charter Review Committee on July 23, 2018. Mr. Barker reviewed all the changes in language made last week. Commissioner Conway stated there are members present from the Charter Review Committee who have expressed satisfaction with the changes made. No public input was given. Chair Moreno thanked the members of the Charter Committee for being present. Commissioner Cozad stated she supports this action to place said items on the ballot for the public to decide. Commissioner Freeman echoed the support expressed by Commissioner Cozad, and extended appreciation to the Charter Review Committee for their time and effort spent on the matter. Commissioner Kirkmeyer stated the Committee did great at proposing revisions to the Charter and bringing it up-to-date. Commissioner Conway and Chair Moreno thanked the Committee for their time and effort spent in review of the Charter. Commissioner Kirkmeyer extended her appreciation to County staff for the support and work completed throughout this process. The motion to amend the Charter and place said amendments on the ballot, which was made by Commissioner Cozad, and seconded by Commissioner Kirkmeyer, carried unanimously.

 9) CONSIDER SUBMITTING TO WELD COUNTY CLERK AND RECORDER BALLOT ISSUE FOR CLEARVIEW LIBRARY DISTRICT PURSUANT TO C.R.S. §24-90-112: Mr. Barker stated the Library District Law includes a provision that requires the County to place the issue on the ballot on behalf of the Library District. He further noted the Clearview Library District will pay for its portion of the election, and indicated the County Commissioners are not taking a position for or against said measure, with this placement of the measure on the ballot. Ann Kling, Library Director for Clearview Library District, stated all of the district is within Weld County, and follows the same boundary outline as the RE-4 School District. The motion to place said item on the ballot, which was made by Commissioner Freeman, and seconded by Commissioner Kirkmeyer, carried unanimously.

 10) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY ACCESS PERMIT FOR, RECORDED EXEMPTION, RECX17-0101 – JOHN, JACQUELINE AND TAL SANDER (TO BE CONT'D TO 8/27/2018): Chair Cozad stated the applicant requested the continuance. Dawn Anderson, Department of Public Works, stated the request for continuance was made by the applicant due to their inability to be present at today's hearing. The motion for a continuance, which was made by Commissioner Cozad, and seconded by Commissioner Conway, carried unanimously.

 11) EMERGENCY ORDINANCE #254-A, IN THE MATTER OF A SUPPLEMENTAL APPROPRIATION FOR THE YEAR 2018: Don Warden, Director of Finance and Administration, stated this is the first of the two appropriations scheduled for this year. Mr. Warden outlined the specifics for the

re-allocation of funds, and stated it is a matter of taking the monies out of the Contingency Fund, and then replacing it next year, which will have no negative net effect. No public input was given. The motion to approve said Emergency Ordinance #254-A, which was made by Commissioner Kirkmeyer, and seconded by Commissioner Freeman, carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Emergency Ordinance #254-A was approved on an Emergency Basis.

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

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO AUGUST 20, 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, August 20, 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:

Assistant County Attorney, Bob Choate
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 August 15, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on August 15, 2018, as follows: 1) USR18-0047 – Todd McCormick, c/o Oak Leaf Solar XXIX, LLC, 2) USR18-0066 – Randall and Tani Owens, and 3) USR18-0022 – Verdad Resources, LLC, c/o Cureton Midstream, LLC. 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 Kirkmeyer seconded the motion, and it carried unanimously.


PRESENTATIONS:


 1) RECOGNITION OF SERVICES, DEPARTMENT OF HUMAN SERVICES – HELEN CLARK: Chair Moreno read the certificate recognizing Helen Clark for her dedicated service to Weld County residents. Judy Griego, Director of the Department of Human Services, commended her achievements. Eva Jewell, Department of Human Services, thanked Ms. Clark and presented her with a plaque and pin. Ms. Clark thanked the Board for her recognition and the opportunities afforded during her career with the County. Each one of the Commissioners thanked Ms. Clark and congratulated her on her retirement and


expressed their appreciation of her impact on Weld County residents during her career. (*Clerk's Note: The Board paused the meeting for a photo opportunity.*)


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

BIDS:


 1) APPROVE BID #B1800130, ROOF TOP UNIT REPLACEMENT – ISLAND GROVE EXTENSION – DEPARTMENT OF BUILDINGS AND GROUNDS: Christie Peters, Department of Purchasing, reviewed the six (6) bids received and stated staff recommends awarding to the low bidder, U.S. Engineering Company for the amount of \$54,500.00. Commissioner Kirkmeyer moved to approve said low bid. The motion, which was seconded by Commissioner Conway, carried unanimously.


 2) PRESENT BID #B1800131, CENTENNIAL CENTER COMPLEX (ROOF REPLACEMENT) – DEPARTMENT OF BUILDINGS AND GROUNDS: Ms. Peters presented the four (4) bids received and stated staff will bring back a recommendation on September 5, 2018. Commissioner Cozad requested clarification of the discrepancy between the amounts.


 3) PRESENT BID #B1800112, GRADER MOUNTED ROAD STABILIZERS/RECLAIMERS (QTY. 2) – DEPARTMENT OF PUBLIC WORKS: Rose Everett, Department of Purchasing, reviewed the sole bid received, with two (2) different options and stated staff will bring back a recommendation on September 5, 2018.


 4) PRESENT BID #B1800113, TANDEM AXLE TRUCK TRACTORS (QTY. 5) – DEPARTMENT OF PUBLIC WORKS: Ms. Everett presented the three (3) bids received and stated staff will bring back a recommendation on September 5, 2018.


 5) PRESENT BID #B1800114, TANDEM AXLE TANK TRAILER WITH DUST PALLIATIVE SPRAY SYSTEM (QTY. 5) – DEPARTMENT OF PUBLIC WORKS: Ms. Everett presented the two (2) bids received and stated staff will bring back a recommendation on September 5, 2018.


 6) PRESENT BID #B1800115, SINGLE DRUM VIBRATORY ROLLER – DEPARTMENT OF PUBLIC WORKS: Ms. Everett reviewed the three (3) bids received and stated staff will bring back a recommendation on September 5, 2018.


 7) PRESENT BID #B1800116, 29 TON PNEUMATIC ROLLER (QTY. 2) – DEPARTMENT OF PUBLIC WORKS: Ms. Everett reviewed the three (3) bids received and stated staff will bring back a recommendation on September 5, 2018.

 8) PRESENT BID #B1800117, TANDEM TRUCK W/ PLOW – DEPARTMENT OF PUBLIC WORKS: Ms. Everett presented the sole bid received and stated staff will bring back a recommendation on September 5, 2018. In response to Commissioner Conway, Jay McDonald, Director of the Department of Public Works, stated the other vendors could not meet the specifications as required by the Department.


 9) PRESENT BID #B1800118, CREW CAB, 4X4 FLAT BED, DUAL WHEEL VEHICLE – DEPARTMENT OF PUBLIC WORKS: Ms. Everett presented the four (4) bids received and stated staff will bring a recommendation on September 5, 2018.

 10) PRESENT BID #B1800119, TANDEM AXLE DUMP TRUCK W/ SANDER AND PLOW WING – DEPARTMENT OF PUBLIC WORKS: Ms. Everett presented the sole bid and stated staff will bring a recommendation on September 5, 2018. Mr. McDonald stated the other vendor was not able to meet the specifications required.


 11) PRESENT BID #B1800120, 3/4 TON, 4X4 FULL SIZE PICKUP, LONG BED, EXTENDED CAB (QTY. 4) – DEPARTMENT OF PUBLIC WORKS: Ms. Everett presented the six (6) bids received and stated staff will bring a recommendation on September 5, 2018.

 12) PRESENT BID #B1800121, 3/4 TON, 4X4 FULL SIZE PICKUP, SHORT BED, EXTENDED CAB W/ V PLOW – DEPARTMENT OF PUBLIC WORKS: Ms. Everett reviewed the five (5) bids received and stated staff will bring back a recommendation on September 5, 2018.

 13) PRESENT BID #B1800122, TANDEM TRUCK W/ SANDER, PLOW AND WING – DEPARTMENT OF PUBLIC WORKS: Ms. Everett presented the sole bid received and stated staff will bring back a recommendation on September 5, 2018.

 14) PRESENT BID #B1800133, LEASED MOTORGRADER (QTY. 4), (36-MONTH LEASE) – DEPARTMENT OF PUBLIC WORKS: Ms. Everett reviewed the two (2) bids received and stated staff will bring back a recommendation on September 5, 2018.

NEW BUSINESS:

 1) CONSIDER TEMPORARY ROAD CLOSURE OF CR 54 BETWEEN CRS 43 AND 45: Amy Joseph, Department of Public Works, presented the details of the temporary road closure effective September 4, 2018, through September 14, 2018, for a bridge re-deck. She stated staff will use magnesium chloride for dust abatement. Commissioner Cozad moved to approve said temporary closure. The motion was seconded by Commissioner Kirkmeyer, 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 9:21 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

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO AUGUST 22, 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, August 22, 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:

Assistant County Attorney, Frank Haug
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 August 20, 2018, as printed. Commissioner Cozad seconded the motion, and it 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.

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

NEW BUSINESS:

 1) **CONSIDER ACCEPTANCE OF 2018 ABSTRACT OF ASSESSMENT AND AUTHORIZE CHAIR TO SIGN:** Chris Woodruff, Weld County Assessor, presented the Abstract to comply with his statutory submittal deadline, which will be used by the State Board of Assessment Appeals and as part of the Weld County Budget. He stated it contains the results of the County Board of Equalization (CBOE) process and the property tax administer information, for a total Assessed Valuation of \$11,767,078,160.00; he further explained the oil and gas production increased 48 percent, and confirmed this is a record value for Weld County. Commissioner Conway moved to approve said abstract and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 2) **CONSIDER TERMINATION OF EASEMENT BY RELEASE AND AUTHORIZE CHAIR TO SIGN:**

Frank Haug, Assistant County Attorney, presented the termination of easement, explaining the owner, James Birts, is selling the property and the easement which was used to mine gravel for the roads is no longer used by Department of Public Works. James Gustafson, representative for the property owner, reiterated this is a title requirement and the owner has until September 30, 2018; furthermore, the new owner wants to build affordable housing. Commissioner Kirkmeyer moved to approve said termination of easement by release and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously. Mr. Gusafson clarified the timeline and process to record the document.

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 9:06 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 AUGUST 27, 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, August 27, 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 August 22, 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.

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


BIDS:


 1) APPROVE BID #B1800132, METHANE MONITORING SYSTEM – FLEET SERVICES FACILITY – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, stated staff recommends continuing this matter to allow more time to review. Commissioner Freeman moved to continue said matter to September 5, 2018. Seconded by Commissioner Conway, the motion carried unanimously. In response to Commissioner Conway, Mr. Turf stated there hasn't been adequate time to review the bid.

 2) PRESENT BID #B1800134, WELD COUNTY ADMINISTRATION BUILDING – 1150 REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the six (6) bids received and stated staff will bring back a recommendation on September 10, 2018. Commissioner Conway suggested


scheduling a work session or circulating a pass around. Commissioner Cozad proposed scheduling a work session to discuss updates. Mr. Taylor explained this is a design-build construction remodel and stated once the design portion is complete, a work session will be scheduled to present the final design before work begins.

NEW BUSINESS:


 1) CONSIDER APPLICATION FOR A BREW PUB (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – COLLISION BREWING COMPANY, LLC, DBA COLLISION BREWING COMPANY: Bob Choate, Assistant County Attorney, presented the application for a brew pub, which will allow the applicant to manufacture beer and sell it both onsite and offsite. Mr. Choate reviewed the location of the proposed brew pub and stated there are no concerns. Commissioner Conway stated there were minor items of concern that were discovered during the inspection, which have been addressed. Chloe Rempel, Deputy Clerk to the Board, presented a brief overview of the details of the inspection, explained since the inspection, the owners built a fence around the west patio. Kent Blythe, owner of Collision Brewing Company, stated they will open September 11, 2018, and he looks forward to operating in Weld County. No public testimony was offered concerning this matter. Commissioner Conway moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 2) CONSIDER PURCHASE AGREEMENT (917 GLEN AYER STREET, DACONO, CO) AND AUTHORIZE CHAIR TO SIGN – HABITAT FOR HUMANITY OF THE SAINT VRAIN VALLEY: Tom Teixeira, Executive Director of Weld Greeley Housing Authority, presented the agreement which will provide \$140,000 to the Habitat for Humanity of the Saint Vrain Valley to purchase a lot in Dacono. He stated the funds are from non-federal funds and funds from a dissolved non-profit. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously. Commissioner Conway thanked Mr. Teixeira for his outstanding work on this project.

PLANNING:

 1) CONSIDER CONTRACT ID #2032 PARTIAL CANCELLATION AND ACCEPT WARRANTY COLLATERAL FOR 2ND MINOR AMENDED USE BY SPECIAL REVIEW PERMIT, 2MUSR17-09-1708 – LONE STAR, LLC, C/O SELECT ENERGY SERVICES, LLC: Evan Pinkham, Department of Public Works, reviewed the request to reduce the collateral in the amount of \$142,087.00 to \$21,313.05, to construct a deceleration lane into the facility. In response to Commissioner Conway, Mr. Pinkham stated the deceleration lane has already been constructed and will need to be approved during a site inspection. He explained it is a two (2) year warranty collateral. Commissioner Freeman moved to approve said partial cancellation and accept warranty collateral. Seconded by Commissioner Cozad, the motion carried unanimously.

PLANNING OLD BUSINESS:

 1) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY ACCESS PERMIT FOR RECORDED EXEMPTION, RECX17-0101 – JOHN, JAQUELINE AND TAL SANDER (*CONT'D FROM 8/15/2018*): Dawn Anderson, Department of Public Works, reviewed the access permit application, which was denied by the Department of Public Works because the shared access point was granted during the two (2) lot Recorded Exemption process and plotted as such. She explained the approved 30-foot access and utility easement is for Lots A and B, however, the proposed access is 340 feet from the shared access and does not meet the spacing requirement of 660 feet for an arterial roadway. Ms. Anderson reported County Road (CR) 29 is a gravel arterial road. She stated the Average Daily Traffic (ADT) count is 133 vehicles with 24 percent being trucks and then presented the options for Board as follows: 1) deny the access point, at which time the appellant would move the access

point to the approved access, or 2) approve the access point, requiring the appellant to go through the amendment process of the CR 29 Access Control Plan. Ms. Anderson displayed photos of the location of the access points. She explained the criteria to meet the sight distance requirement for vehicles traveling at 55 mph, is an object should be visible at 550 feet, two (2) feet from the ground. She reported during research the access meets the sight distance criteria, but found does not meet the spacing criteria. In response to Commissioner Cozad, Ms. Anderson stated W74 is an agricultural access for the north lot and W73A is the shared access and utility easement. Ms. Anderson stated the address has been assigned, to the Sanders, but they don't yet have an approved access.  Tal Sander, appellant and resident of the Town of Pierce, stated they are currently building a house and stated RimRock Oil and Gas, LP, is building a large facility directly to the east of his property and he has been told the driveways would line up. He stated he would like to suggest the RimRock facility move 660 feet south of his access, so the increased traffic would not have as much impact. Chair Pro-Tem Kirkmeyer stated the shared access for Lots A and B were approved administratively. Mr. Sander expressed his frustration with RimRock's access and how it will affect his property.  Ms. Anderson stated the County will work with RimRock on the access Point. She reported RimRock requested two access points and designed their facility directly across from the Sander's property. Chair Pro-Tem Kirkmeyer clarified the access point will be 910 feet south of CR 92 and 620 feet north of the access point labeled W73. Ms. Anderson stated RimRock is waiting to proceed with their facility until they find out what is decided about the access and they know they need to build across from the Sander' access point to meet the requirements of the Department of Public Works. Ms. Anderson stated Rim Rock has proposed an emergency access point closer to CR 90 and has asked to use the access during their construction phase of the facility. Commissioner Freeman asked if W73A is used as an access point, will it also need to go through the Amendment process of the CR 29 Access Control Plan (ACP). Ms. Anderson stated there were access points being built during the adoption of the ACP. In response to Commissioner Kirkmeyer, Ms. Anderson confirmed the plat was approved in August, 2017, and the ACP was approved in January, 2018.  Commissioner Freeman explained there is a sight distance difference between W73A and the new access point because of a hill, and it would be a safer access location to move further south. He suggested moving the access to CR 92 for the north property. Ms. Anderson stated the landowner to the north would request his access be moved to the non-maintained right-of-way.  Chair Pro-Tem Kirkmeyer stated the north lot could access off the agricultural access W74 and W73A would need to be vacated. Then the new access location would be moved down. Ms. Anderson stated if RimRock located their access directly across from the Sander's access, the Department of Public Works wouldn't deny it. Commissioner Kirkmeyer stated Mr. Sander should vacate access W73A and get the property owner to the north to request that their access point be moved to 74 and grant RimRock's access at 73.  Commissioner Cozad suggested having the variances or amendments to the ACP, be submitted at the same time. Mr. Sander stated he cannot get approval for the agricultural building, because the access point has not been approved. Chair Pro-Tem Kirkmeyer stated when the access point is approved, RimRock will locate their access point across from the Sander's access point, which they are trying to avoid. Commissioner Cozad stated RimRock needs to meet with the Sander family and Public Works to discuss the access point.  In response to Commissioner Conway, Mr. Sander stated he needs a legitimate access to be able to build his home. Commissioner Cozad moved to continue said matter to September 5, 2018, to allow the appellants time to discuss the matter with Public Works and RimRock. 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 10:00 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

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO AUGUST 29, 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, August 29, 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 - EXCUSED


Also present:

County Attorney, Bruce Barker
Clerk to the Board, Esther Gesick
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 August 27, 2018, as printed. Commissioner Cozad seconded the motion, and it 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.

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


BIDS:


 1) PRESENT BID #B1800138, PATROL ALL-WHEEL DRIVE OR 4X4 SUV, PURSUIT RATED QTY.10 – SHERIFF'S OFFICE: Rob Turf, Department of Purchasing, presented the five (5) bids received and stated staff will review the proposals and make a recommendation on September 12, 2018.


NEW BUSINESS:


 1) CONSIDER CONTRACT ID #2064 MEMORANDUM OF UNDERSTANDING FOR THE TITLE IV-E DEMONSTRATION PROJECT FUNDING AND AUTHORIZE CHAIR TO SIGN: Jamie Ulrich, Deputy Director of the Department of Human Services, stated the amount of the award is \$582,110.00, to implement three (3) interventions, including Family Engagement, Kinship Supports, and Trauma

Informed Screening, Assessment and Treatment. Commissioner Cozad moved to approve said Memorandum of Understanding and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 2) CONSIDER CONTRACT ID #1933 LICENSE AGREEMENT AND AUTHORIZE CHAIR TO SIGN – SELF-MANAGEMENT RESOURCE CENTER, LLC (SMRC): Ms. Ulrich stated the previous license held under Consortium for Older Adult Wellness has expired and now the requirements are for the County to obtain its own agreement for the amount of \$500.00, which will allow for 20 workshops and two (2) leadership trainings. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 3) CONSIDER CONTRACT ID #2007 MEMORANDUM OF UNDERSTANDING FOR FRIENDLY FORK SENIOR NUTRITION PROGRAM AND AUTHORIZE CHAIR TO SIGN – PLATTEVILLE SENIOR CENTER: Ms. Ulrich stated the Memorandum of Understanding has been updated due a to change in the location name and to allow for a nutritious meal two (2) days per week. She stated it is one of 23 meal sites in Weld County and this site serves 25-30 seniors daily. Commissioner Cozad moved to approve said Memorandum of Understanding and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.



 4) CONSIDER CONTRACT ID #2041 MEMORANDUM OF UNDERSTANDING FOR MEDICAID ELIGIBILITY DETERMINATION AT SCHOOL-BASED HEALTH CENTERS AND AUTHORIZE CHAIR TO SIGN – WELD COUNTY SCHOOL DISTRICT 6: Ms. Ulrich stated the Memorandum of Understanding allows a Medicaid Intake Specialist to be co-located three (3) days per week and support all District 6 students for the total amount of \$24,000.00. In response to Commissioner Cozad, Ms. Ulrich stated they won't be working with other school districts for this program at this time. In response to Commissioner Conway, Ms. Ulrich confirmed it is capped at \$24,000.00 and anything over that amount is paid for through the Department of Human Services' budget. Ms. Ulrich stated staff would like to pursue similar programs, if it makes economic sense based on demographics. Commissioner Cozad moved to approve said Memorandum of Understanding and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.



 5) CONSIDER CONSENT TO ENFORCEMENT OF THE 2018 INTERNATIONAL FIRE CODE, WITH AMENDMENTS, WITHIN CERTAIN AREAS OF UNINCORPORATED WELD COUNTY LYING WITHIN THE BERTHOUD FIRE PROTECTION DISTRICT: Tom Parko, Director of Planning Services, stated the Berthoud Fire Protection District would like to update from the 2012 to the 2018 International Fire Code. Commissioner Conway moved to consent to enforcement of the 2018 International Fire Code, with Amendments, which was seconded by Commissioner Cozad. Commissioner Conway stated they had a very good work session and he appreciates officials having conversations to make it consistent with other districts' enforcement throughout the County. There being no further discussion, the motion carried unanimously.


PLANNING:


 1) CONSIDER CONTRACT ID #2048 SECOND AMENDMENT TO IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT ACCORDING TO POLICY REGARDING COLLATERAL FOR IMPROVEMENTS, AND ACCEPT INCREASED OFF-SITE COLLATERAL AND RELEASE ON-SITE COLLATERAL FOR MUSR15-0020 AS RELATED TO USE BY SPECIAL REVIEW PERMIT, USR-1687 – JOURNEY VENTURES, LLC: Evan Pinkham, Department of Public Works, requested a release of the current collateral in the amount of \$31,800.00, and acceptance of new collateral in the amount of \$901,249.00 for off-site improvements, which include intersection improvements to CRs 53 and 58. Mr. Pinkham stated 14% will be paid by Journey Ventures, and they will widen CR 58 by four (4) feet on each


side and make improvements to their USR entrance by adding left and right deceleration lanes. In response to Chair Pro-Tem Kirkmeyer, Mr. Pinkham confirmed the improvements are based on trip generation in conjunction with the requirements of the USR. Commissioner Cozad moved to release the on-site collateral and accept increased off-site collateral. Seconded by Commissioner Conway, the motion carried unanimously.


 2) SECOND READING OF WELD COUNTY CODE ORDINANCE #2018-03, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION, CHAPTER 8 PUBLIC WORKS, CHAPTER 23 ZONING, AND CHAPTER 24 SUBDIVISIONS (HISTORIC TOWNSITE), OF THE WELD COUNTY CODE: Commissioner Cozad moved to read Code Ordinance #2018-03 by title only. The motion was seconded by Commissioner Conway, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Mr. Parko presented the only change since first reading, which is to correct the definition of HISTORIC TOWNSITE to remove/adding specific townsite names. No public testimony was offered concerning this matter. In response to Commissioner Cozad, Mr. Parko explained staff reviewed the list and acknowledged it is not intended to capture every single historic townsite or old subdivisions that have not had recent development. She commented the language included “*not limited to,*” but was concerned with a discrepancy between staff and a future applicant. Mr. Parko stated that will typically be addressed through the pre-application process. Commissioner Cozad suggested trying to add any others prior to Final Reading, to be as inclusive as possible. Commissioner Conway agreed the inclusions will help avoid unintended consequences. Chair Pro-Tem Kirkmeyer stated it could be confusing to include subdivisions under Historic Townsites and suggested deleting everything after “any subdivision created prior to 1961” to remove any concerns of missing one.  Jim Flesher, Department of Planning Services, clarified Hill-N-Park was platted in 1966, therefore; it was not included, and many developments recorded prior to 1961 have been annexed. Commissioner Cozad agreed to remove specific subdivision names and use the language proposed by Chair Pro-Tem Kirkmeyer. Mr. Barker agreed the language should be any subdivision created prior to 1961”, which would simply remove specific listings of subdivision names Commissioner Cozad moved to amend the portion of the definition and delete the language after “1961.” Seconded by Commissioner Conway, the motion carried unanimously. Commissioner Conway moved to approve on Second Reading. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 3) SECOND READING OF WELD COUNTY CODE ORDINANCE #2018-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 26 REGIONAL URBANIZATION AREAS (PIPELINES), OF THE WELD COUNTY CODE: Commissioner Conway moved to read by title only Code Ordinance #2018-05. The motion was seconded by Commissioner Cozad, and it carried unanimously. Mr. Barker read the title for the record. Chair Pro-Tem Kirkmeyer announced with only three (3) Commissioners present, she would like to continue this matter, but would still open up this matter to public comment for those in attendance. Mr. Parko referenced Section 23-2-520.D on page 7, and explained staff is discussing moving this to a different part of the Code, since it isn’t necessarily related to mapping requirements for domestic water.  Dawn Anderson, Department of Public Works, agreed that the depth profiles may better be suited through a right-of-way (ROW) permit policy, and the industry requested a meeting on September 4, 2018, to have further discussions, which may result in changes to Chapter 12. Mr. Parko reported the changes made to Section 23-2-540.H to add the word “and” was for better clarity. In Section 23-2-1130.A.2.a, they decided to modify “capacity” to “terminus or end of route”, and lastly, he suggested adding a new sentence to clarify the LAP process. In response to Commissioner Kirkmeyer, Mr. Parko explained the changes were sent to the industry and the working group last week. Following discussion, the Board agreed to suspend the presentation of revisions and take public input, knowing they will schedule a work session and allow for the Department of Public Works to have a meeting and work groups to review changes before the continued second hearing.


 Ryan Seastrom, representative of Colorado Oil and Gas Association (COGA), thanked the Board for the continuance to allow a review of current changes and discuss potential further changes. In response to Commissioner Conway, Mr. Seastrom agreed with the proposed continuance date.


 Jeanette Jones, representative of Noble Midstream, expressed her appreciation of the continuance and offered comments since she stated she won't be able to attend September 24th. Ms. Jones addressed mapping and discouraged the Code being redundant, since this is already a part of the COGCC guidelines and encouraged the Board to use consistent language. She explained there are concerns with the Department of Public Works mapping for ROW permits, which is relevant to the LAP process, but also relevant to all pipelines subject to depth.: She stated she would like them to consider: 1) depth, 2) expanding depth to future rights-of-way, and 3) applying the process to all roads with respect to future expansion.


 Patrick Groom, attorney representative for DCP Operating Company, LP, concurred with the basis for continuing, but stated the continuance could complicate the timing of pending USR applications. He stated it would make sense to file the USR application and then convert to a LAP process when the Code Ordinance changes are approved, if appropriate. Commissioner Kirkmeyer commented upcoming USR application which are for pipelines, should be converted to an administrative process. Mr. Barker concurred, and Mr. Parko stated there are no concerns with proceeding with a USR and then once this ordinance is codified, roll it over into the LAP. In response to Commissioner Conway, Mr. Barker agreed the Department of Planning Services will have the discretion to start a USR process due to timing uncertainty, without further authorization or action by the Board.

 Dennis Hoshiko, resident of Greeley, requested clarification of the proposed timeline. Commissioner Kirkmeyer clarified the Second Reading will be continued to September 24, 2018. Mr. Barker suggested setting the Final Reading to October 8, 2018 and sending the notice to the paper the same day to publish the notice for September 24 and the Final Reading of October 8, 2018. Mr. Hoshiko read a written statement for the record expressing concern regarding pipelines crossing beneath irrigation ditches. Secondly, he stated the ordinances must apply to all pipelines regardless of diameter or substance conveyance because the pipeline easements burden surface owners of lands the pipelines pass through. He stated they should be held to the same standards as other pipelines to ensure safety of the public, and should be retroactive to require marking and record locations of existing pipelines placed under irrigation easements without proper notice. Commissioners Conway and Cozad thanked him for the comments to be considered and possibly addressed through the upcoming discussions. He further discussed recent legislation that imposes fines on property owners who do not utilize the 8-1-1 utility locate services, which poses challenges along lengthy irrigation structures.

 Matthew Norton, resident of Longmont, thanked the Board for the continuance and for the ordinance instituting the administrative process for pipelines, and stressed the importance of utilizing 8-1-1 prior to any excavation activities, which is important and potentially saves lives. Commissioner Conway clarified that prior to anyone doing excavation, they should dial 8-1-1 to locate any underground service, an operator receives a notice and responds with the confirmation of pipelines or utilities in the area, and then flags and marks the locations. Mr. Norton explained how they locate older facilities and stated the industry operators typically pothole the location, but there are other effective techniques to ensure the depth.

 Commissioner Kirkmeyer suggested giving direction to the Department of Planning Services, in the case of a USR, staff will be able to proceed, and upon passage of the ordinance, this will allow for conversion to the administrative review of the LAP process.

 Commissioner Conway made a motion to continue Second Reading of Code Ordinance #2018-05, to September 24, 2018, and to continue the Final Reading to October 8, 2018, which was seconded by Commissioner Cozad. Commissioner Conway suggested having a work session prior to Final Reading. There being no further discussion, the motion carried unanimously.

 Commissioner Kirkmeyer stated she would like to correct the record regarding previous testimony given during the Public Comment portion of the Board meeting, concerning the solicitation of funds regarding the Breckenridge Emergency training exercise. She explained she forgot she had solicited funds from Xcel, in July, 2016.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-03 was approved on Second Reading and Code Ordinance #2018-04 was continued to September 24, 2018.

Let the minutes reflect that the above and foregoing actions were attested to and respectfully submitted by the Clerk to the Board.

There being no further business, this meeting was adjourned at 10:15 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

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

EXCUSED
Mike Freeman