

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO FEBRUARY 5, 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, February 5, 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 January 31, 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 January 31, 2018, as follows: 1) PUDZ17-0006 – Joseph and Elaine Hoff, and 2) USR17-0063 – Daniel Shepherd. 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, EXTENSION ADVISORY COUNCIL – ROBERT GRAND, STUART GEBAUER, AND DAVID MOORE: Chair Moreno read the certificates for the record, recognizing Mr. Grand, Mr. Gebauer and Mr. Moore for their voluntary contributions to Weld County. Each of the Commissioners extended their appreciation to each of the volunteers for their dedication and time commitment to the residents of the Weld County.

 2) RECOGNITION OF SERVICES, AREA AGENCY ON AGING ADVISORY BOARD – JUDY YAMAGUCHI, WILLIS KULP, WAYNE WAGNER, AND KENNETH HUMPHREY: Chair Moreno read the certificates for the record, recognizing the four (4) individuals. Eva Jewell, Department of Human Services, thanked the Board for recognizing the outgoing Board members for their voluntary service. Sandy Magneuson, Chair of the Area Agency on Aging Advisory Board, thanked the members for their dedication to the residents of Weld County. Each of the Commissioners extended their appreciation to them for their outstanding service on behalf of the residents of Weld County.

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

**BIDS:**

 1) RECONSIDER BID #B1800031, DOUBLE AXLE TRAILER – DEPARTMENT OF PUBLIC WORKS (*CONT'D FROM 1/24/2018*): Rob Turf, Department of Purchasing, presented the five (5) bids received and stated staff recommends awarding the bid to Power Equipment, the only bidder who met all the specifications. Mr. Turf explained the Power Equipment bid was inadvertently left off the bid tabulation. In response to Commissioner Conway, Jay McDonald, Director of the Department of Public Works, confirmed Wagner Equipment is in Larimer County. Commissioner Conway moved to approve said bid which meets specifications. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 2) PRESENT BID #B1800047, SIGN MATERIAL – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the ten (10) bids received and stated staff will bring back a recommendation on February 21, 2018.

**NEW BUSINESS:**

 1) CONSIDER AMENDMENT #1 TO AGREEMENT FOR SERVICES (RFP 16-53) FOR MOTOR VEHICLE SELF-SERVICE KIOSKS AND AUTHORIZE CHAIR TO SIGN – INTELLECTUAL TECHNOLOGY, INC.: Frank Haug, Assistant County Attorney, presented the modification to the agreement for the Clerk and Recorder's Office to move a kiosk to The Drives Facility. After further discussion, it was recommended to continue this matter to allow for a work session and receipt of the correct form. Commissioner Conway moved to continue said matter to February 12, 2018. Seconded by Commissioner Cozad, the motion carried unanimously.

 2) CONSIDER REORGANIZATION OF WELD COUNTY DEPARTMENT OF FLEET SERVICES: Don Warden, Director of Finance and Administration, explained that the County recently discontinued outsourcing their fleet services and now that it is in-house, David Springer, Director of Fleet Services, was hired and tasked with completing an organizational evaluation of the staffing and looking at how to structure the organization for more efficiency. Each one of the Commissioners stated they agree with the reorganization recommendation from Mr. Springer and acknowledge that it will bring efficiency to the Operation. Commissioner Cozad moved to approve said reorganization of the Weld County Department of Fleet Services. Seconded by Commissioner Freeman, the motion carried unanimously.

 3) CONSIDER AGREEMENT FOR RELEASE OF LIABILITY TO HOLD HARMLESS FOR ACCESS TO WELD COUNTY PROPERTIES TO PERFORM SURVEYING AND ENVIRONMENTAL EVALUATIONS AND AUTHORIZE CHAIR TO SIGN – SCHOOL DISTRICT RE-3J: Mr. Haug reviewed the terms for a sewer line and they are checking to see if the new pipe will fit with the existing water pipe. He reiterated this agreement is only asking permission to enter for purposes of surveying and reviewing the future design. Each of the Commissioners thanked the County Attorney's Office for working on this

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

 4) CONSIDER 2017 ANNUAL MILEAGE AND CONDITION CERTIFICATION REPORT FOR HIGHWAY USER TAX FUND (HUTF): Evan Pinkham, Department of Public Works, presented the 2017 Highway User Tax Fund Mileage Certification (HUTF) report to the Colorado Department of Transportation. He reviewed the contents of the report stating there are 739.56 miles of paved roads and 2200.06 miles of gravel roads in the Weld County system. In response to Commissioner Conway, Mr. Pinkham explained staff reviewed the subdivisions that the County has been maintaining and removed them from the report. Commissioner Kirkmeyer moved to approve said 2017 Annual Mileage and Condition Certification Report. The motion was seconded by Commissioner Conway, and it carried unanimously.

 5) CONSIDER APPOINTMENT AND REAPPOINTMENT TO EXTENSION ADVISORY COUNCIL: Commissioner Kirkmeyer moved to approve said appointment and reappointment. Seconded by Commissioner Cozad, the motion carried unanimously.

 6) CONSIDER APPOINTMENTS TO HUMAN SERVICES ADVISORY COMMISSION: Commissioner Cozad moved to approve said appointments. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 7) CONSIDER APPOINTMENT AND REAPPOINTMENTS TO AREA AGENCY ON AGING ADVISORY BOARD: Commissioner Conway moved to approve said appointment and reappointments. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 8) CONSIDER TEMPORARY WAIVERS UNDER SOLID WASTE PROGRAM FOR WASTE TIRE MONOFILL – CH2E COLORADO, LLC, AND HUDSON TIREVILLE, LLC: *(Clerk's Note: the meeting was paused due to technical difficulties)* Ben Frissell, Department of Public Health and Environment, presented the request for a temporary waiver that CH2E be allowed to process one (1) tire for every two (2) tires received and for the placement of waste tires into the tire monofill at the rate of half the amount accepted at the site during calendar year 2018. He outlined the background of the procedures of the State statute, 3-20-1415 (3). In response to Commissioner Kirkmeyer, Mr. Frissell stated he would have to look up the statute language to see when it was first established.

 Bruce Barker, County Attorney, explained the technical service is authorized by the State and it is viewed as a vested right for land use purposes. Commissioner Kirkmeyer stated the site already had a Certificate of Designation approval, prior to the statute taking place. Mr. Barker explained it is not tied to the Certificate of Designation but is allowed per State statute; therefore, it is the type of activity the State will allow. Mr. Frissell reported there is a fund established for the end use of waste tires. The State is trying to create a market for the waste tires, so the tires are not going into a monofill and there is a requirement to close all Colorado Monofills by 2024. In response to Commissioner Conway, Mr. Frissell stated if the waiver isn't approved, it puts CH2E in a bad position. Commissioner Cozad confirmed the waiver is only for the year 2018, so they will have to come in and apply for a new waiver in 2019. In response to Commissioner Kirkmeyer, Mr. Frissell stated the original USR-842 was approved, in 1989, for an above-ground waste tire facility. She stated she wants to ensure the State isn't overreaching and shutting down a facility that is working.

 Mr. Frissell stated since they are a conjoined recycling center and a tire monofill, therefore, they must hold the Certificate of Designation, which was approved and signed on October 10, 2017.

 Mr. Frissell stated the current amended Use by Special Review Permit, 7MUSR16-89-842, was approved in 2016 to add a building.

 Ryder Reddick, Department of Planning Services, stated the last recorded Major Amendment was recorded on November 30, 2017, just after the Certification of Designation was approved.

 Jamie Kostura, owner of CH2E, explained the Colorado Department of Public Health and Environment has approved the waiver and he requested the same from the County.

 Commissioner Conway moved to approve said temporary waiver. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 Commissioner Kirkmeyer asked about having language regarding the recurring waiver so the applicants do not have to return every year after the State approves. Mr. Barker stated for the benefit of the applicants it would be good to do it on an annual basis.

 Commissioner Kirkmeyer stated her frustration with the State statute and would like to recommend the Board continue to review this. She stated it is important because Weld County had issues with tires being dumped illegally and believes the language in the statute will cause the County to have a problem with illegally dumped tires. Commissioner Cozad stated the tire monofill facilities are important to keep waste tires out of the barrow ditches within the County.

#### **PLANNING:**

 1) CONSIDER REQUEST FOR PLACEMENT OF THREE (3) TEMPORARY WIND MONITORING TOWERS, WITH CONDITIONS – LEEWARD RENEWABLE ENERGY, LLC: Chris Gathman, Department of Planning Services, reviewed the request for wind monitoring towers to be placed on the parcel. He stated Leeward Renewable Energy, LLC, has leased the property and they will not be placed on a permanent pad and will have guide wires. He suggested in a similar example, the applicant was required to provide \$5,000.00 for collateral. In response to Commissioner Conway, Mr. Gathman stated the lease will be for two (2) years and notification has not been provided to the surrounding property owners. Mr. Barker sent a similar copy of an agreement that the Commissioners approved, in 2010, that required collateral and removal of the units within six (6) months after the data is collected.. Commissioner Conway moved to grant request for placement of three (3) temporary wind monitoring towers with Conditions. It was seconded by Commissioner Freeman. Commissioner Cozad stated the motion needs to reflect the condition of a similar agreement approved in 2010, will be presented. After further discussion, it was agreed and 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 10:02 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 FEBRUARY 7, 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, February 7, 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 February 5, 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 February 5, 2018, as follows: 1) USR17-0043 – Cactus Hill Ranch Company, c/o Simon Contractors, Inc. Commissioner Kirkmeyer seconded the motion. In response to Commissioner Conway, Bruce Barker, County Attorney, clarified this is a certification of the hearing which took place on Monday, February 5, 2018. The motion carried on a four to one vote with Commissioner Conway opposed.

 **AMENDMENTS TO AGENDA:** Commissioner Cozad moved to add New Business item 3) Consider Proxy for Briggsdale Water Company 2018 Annual Shareholder Meeting on February 13, 2018, and authorize Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Cozad then moved to approve the amended Agenda, Commissioner Conway seconded the motion, and it carried unanimously.

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

 In response to Commissioner Conway, Mr. Barker stated there was a discussion regarding the procedure to reconsider the motion that was approved for USR17-0043 – Cactus Hill Ranch Company,

c/o Simon Contractors, Inc. He explained there were concerns raised by the Water Supply and Storage Company regarding acknowledgement of an agreement to pipe the water underneath the ditch. He stated there is no need to have an agreement with the Ditch Company to run water under the ditch. In response to Commissioner Conway, Mr. Barker explained one of the Commissioners would need to add an amendment to the Agenda to revisit the motion. No further action was taken.

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

 **COMMISSIONER COORDINATOR REPORTS:** Commissioner Cozad announced Weld County hosted the Metropolitan Planning Organization (MPO) meeting and Commissioner Conway was recognized for nine (9) years of service, with a plaque. She attended a work session with the Great Western Trail regarding funding to complete the trail between the Towns of Severance and Eaton. She stated she received an update from CDOT about the I-25 Corridor. She also attended the Interstate 25 funding meeting. Lastly, she attended the Fair Board meeting and brought back pins and stated letters have been sent to all the Centennial Farms and Ranches asking for pictures and participation in the upcoming 100-year celebration. Commissioner Freeman also attended the Great Western Trail Board and he reported he will be a liaison during the construction and agreed to attend periodic meetings. Commissioner Conway stated he was honored to receive the recognition for his nine (9) years as the County representative. He attended the Island Grove Advisory Board meeting. Commissioner Conway submitted the brochure from the 5th Annual Poudre River Forum he attended and is included, as Exhibit A. Chair Moreno stated he attended the Youth Family Connections meeting where they announced the two (2) appointments to the Board.

#### **BIDS:**

 1) PRESENT BID #B1800055, WELD COUNTY DISASTER AND EMERGENCY PREPAREDNESS GUIDE – OFFICE OF EMERGENCY MANAGEMENT: Rob Turf, Department of Purchasing, presented the four (4) bids received and stated staff recommends rejecting the bid because they were not satisfied with the quality of the proposals. Commissioner Cozad moved to reject said bid. Seconded by Commissioner Conway, the motion carried unanimously.

#### **NEW BUSINESS:**

 1) CONSIDER ADDENDUM TO AGREEMENT FOR PROFESSIONAL SERVICES AND AUTHORIZE CHAIR TO SIGN – BASE TACTICAL DISASTER RECOVERY: Don Warden, Director of Finance and Administration, presented the amendment for the agreement which was entered into on December 2014, resulting from the 2013 flood, to receive professional assistance with the Federal Grants. He has requested from Base Tactical an update and a budget to complete all final paperwork and closeout the grants. Mr. Warden stated Base Tactical Disaster Recovery requested an increase of \$110,000.00, which a portion will be reimbursed through FEMA and FHWA. Commissioner Conway stated Base Tactical Disaster Recovery has done a phenomenal job and clarified this is the last extension to complete paperwork. Commissioner Conway moved to approve said addendum to agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 2) CONSIDER LOBBYING CONTRACT AND AUTHORIZE CHAIR TO SIGN – COLORADO LEGISLATIVE SERVICES, LLC: Mr. Barker presented the Lobbying Contract for the amount of \$65,000.00, to be paid in twelve (12) monthly installments of \$5,416.67. In response to Commissioner Conway, Mr. Warden, explained he was not aware of a bill which is open-ended. Commissioner Freeman moved to approve said lobbying contract and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 3) CONSIDER PROXY FOR BRIGGSDALE WATER COMPANY 2018 ANNUAL SHAREHOLDER MEETING ON FEBRUARY 13, 2018, AND AUTHORIZE CHAIR TO SIGN: Commissioner Kirkmeyer moved to appoint Clay Kimmi, Department of Public Works, and authorize Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

**OLD BUSINESS:**

 1) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY AN ACCESS PERMIT FOR RECX17-0107 – ROBERT AND HEIDI STREEKS (*CONT'D FROM 1/24/2018*): Dawn Anderson, Department of Public Works, stated this was continued from January 24, 2018, to allow staff and the appellants to meet and discuss the criteria of the sight distance safety issue. She explained the measurements were taken and both parties agree this a borderline sight safety issue. She explained staff will always error on the side of safety. Ms. Anderson stated she discussed the drainage and location of the access point with the appellants. She stated the appellants proposed to shift the driveway as far north as possible, and stated they will build the new access road up a minimum of three (3) feet to accommodate a pipeline that runs adjacent to their property. Ms. Anderson stated staff recommends approval of the Access permit with Conditions that the Access Point or road is shifted south of the property line and is built up a minimum of three (3) feet.

 In response to Commissioner Kirkmeyer, Ms. Anderson pointed to the previously proposed Access point and to the new proposed Access point, which has been shifted south of the appellant's northern property line and stated the appellants would gain an additional access with the land split. She stated they would eventually like the new Access point to be shared.

 Taylor Claassen, representative of Robert and Heidi Streeks, stated they agree with the recommendations from Public Works staff.

 Robert Streeks, appellant, clarified there will not be two (2) access points, but would actually be its own driveway for its own property.

 In response to Commissioner Conway, Heidi Streeks, appellant, explained the Access point to the south will be to the larger parcel, and the north access will be a shared Access point in their plans.

 Commissioner Kirkmeyer clarified there will be an additional access on County Road 53. She stated there will be one access to Lot B and a shared access to Lots A and B.

 Commissioner Kirkmeyer moved to amend the resolution to include the three (3) Conditions of Approval. COA #1 states: there will be a three (3) foot cover over the utility pipeline, #2) the Access point will be shifted as far north as possible on Lot B, and #3) the Access to Lot A will be a shared access with Lot B. Seconded by Commissioner Cozad, the motion carried unanimously. Commissioner Kirkmeyer expressed her appreciation for everyone making safety issues a priority while working on this. Commissioner Kirkmeyer moved to approve said amended resolution granting the appeal. Seconded by Commissioner Cozad, the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:42 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

\_\_\_\_\_  
Steve Moreno, Chair

\_\_\_\_\_  
Barbara Kirkmeyer, Pro-Tem

\_\_\_\_\_  
Sean P. Conway

\_\_\_\_\_  
EXCUSED DATE OF APPROVAL  
Julie A. Cozad

\_\_\_\_\_  
Mike Freeman

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO FEBRUARY 12, 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, February 12, 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 February 7, 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 February 7, 2018, as follows: 1) USR17-0062 – Jason Hrobsky, and 2) USR17-0068 – Discovery DJ Services, LLC. Commissioner Conway seconded the motion, which carried unanimously.

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

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

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

#### **BIDS:**

 1) APPROVE BID #B1700146, PROXIMITY DOOR SYSTEM UPGRADE – DEPARTMENT OF BUILDINGS AND GROUNDS (*CONT'D FROM 1/24/2018 AND TO BE CONT'D TO 2/26/2018*): Rob Turf, Department of Purchasing, presented the twelve (12) bids and stated staff recommends continuing this matter to enable staff to further review the bids. Commissioner Conway moved to continue this matter to February 26, 2018. Seconded by Commissioner Freeman, the motion carried unanimously.

 2) APPROVE BID #B1800049, EXT. CAB "MIDSIZE" LONG BOX PICKUP – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the three (3) bids received and stated staff recommends awarding to the second low bidder, Emich Chevrolet, for the amount of \$28,000.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 3) PRESENT AND APPROVE ON EMERGENCY BASIS BID #B1800048, VOTER BOX SURVEILLANCE – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the four (4) bids received and requested an emergency approval, to have equipment installed before the Primary election, which is being held on May 1, 2018. In response to Commissioner Kirkmeyer, Toby Taylor, Director of Buildings and Grounds, confirmed he would need this approved today to stay on schedule. Commissioner Freeman moved to approve said bid on an emergency basis. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

#### **OLD BUSINESS:**

 1) CONSIDER AMENDMENT #1 TO AGREEMENT FOR SERVICES (RFP 16-53) FOR MOTOR VEHICLE SELF-SERVICE KIOSKS AND AUTHORIZE CHAIR TO SIGN – INTELLECTUAL TECHNOLOGY, INC. (*CONT'D FROM 2/5/2018*): Carly Koppes, Clerk and Recorder, presented the corrected amendment #1, stating Intellectual Technology, Inc. originally sent the wrong agreement, but they have received the corrected one. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

#### **NEW BUSINESS:**

 1) CONSIDER VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) GRANT APPLICATION FOR LONG TERM CARE OMBUDSMAN FRIENDLY VISITOR PROGRAM AND AUTHORIZE CHAIR TO SIGN: Judy Griego, Director of the Department of Human Services, presented the VALE Grant application for \$10,000.00, which will allow the Ombudsman Friendly Visitor Program to serve long-term care individuals. Commissioner Conway moved to approve said application and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 2) CONSIDER CONTRACT ID #1617 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ELIZABETH AND SEAN SMITH: Ms. Griego presented the agreement for the Foster Care Home located in Longmont, Colorado. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 3) CONSIDER CONTRACT ID #1625 AGREEMENT FOR PROFESSIONAL SERVICES AND AUTHORIZE CHAIR TO SIGN – BARRY R. LINDSTROM, PH.D., LLC: Ms. Griego reviewed the terms for the agreement for Barry R. Lindstrom, PH., D., to provide compassion and coping skills training for staff dealing with traumatic situations. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 4) CONSIDER CONTRACT ID #1665 2018 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT APPLICATION FOR NORTHERN COLORADO REGIONAL FORENSIC LABORATORY AND AUTHORIZE ELECTRONIC SUBMITTAL: Ron Arndt, Director of the Regional Crime Lab, reviewed the terms of the application for the total amount of \$8,307.00, to obtain training funds for Daren Ford. Commissioner Conway moved to approve said application and authorize electronic

submittal. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 5) CONSIDER ELEVEN (11) INTERGOVERNMENTAL AGREEMENTS FOR 24-HOUR BALLOT DROP-OFF BOXES AND AUTHORIZE CHAIR TO SIGN – VARIOUS ENTITIES: Ms. Koppes reviewed the terms for the eleven (11) Intergovernmental Agreements for 24-Hour Ballot Drop-Off Boxes. Commissioner Kirkmeyer moved to approve eleven (11) intergovernmental agreements and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 6) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR SHARING OF 2018 VOTER SIGNATURE VERIFICATION AND REGISTRATION SERVICES AND AUTHORIZE CHAIR TO SIGN – TOWN OF ERIE: Ms. Koppes presented the details the of the agreement to supply the Town of Erie with trained election judges. Commissioner Freeman moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.

 7) CONSIDER CONTRACT ID #1660 CHANGE ORDER NO. 3 FOR CR 49 DESIGN-BUILD PROJECT FROM U.S. HIGHWAY 34 TO INTERSTATE 76 (BID #B1400202) AND AUTHORIZE CHAIR TO SIGN – INTERSTATE HIGHWAY CONSTRUCTION (IHC): Don Dunker, Department of Public Works, reviewed the terms of the no-cost Change Order to close out the County Road 49 Project and transfer remaining funds to the County Road 47 project. Commissioner Conway moved to approve said Change Order No. 3 and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 8) CONSIDER TEMPORARY CLOSURE OF CR 29 BETWEEN CRS 36 AND 38: Amy Joseph, Department of Public Works, presented the temporary closure beginning February 13, 2018, through February 27, 2018, for a water main line extension and new service connections, along CR 29. She stated Central Weld County Water District will complete the work during daylight hours only. Commissioner Conway moved to approve said temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 9) CONSIDER TEMPORARY CLOSURE OF CR 67 BETWEEN CR 68 AND STATE HIGHWAY 392: Ms. Joseph presented the details of the temporary closure effective February 20, 2018, through February 23, 2018, for a new drainage culvert. She explained staff will treat the detour route with water for dust abatement. Commissioner Freeman moved to approve said temporary closure. The motion, which was seconded by Commissioner Conway, carried unanimously.

 10) CONSIDER TEMPORARY CLOSURE OF THE INTERSECTION AT CRS 74 AND 49: Ms. Joseph reviewed the terms for the temporary closure effective February 26, 2018, through March 2, 2018, for an irrigation culvert replacement. She stated staff will use magnesium chloride for dust abatement. Commissioner Kirkmeyer moved to approve said temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 11) CONSIDER TEMPORARY CLOSURE OF CR 14.5 BETWEEN CR 23 AND U.S. HIGHWAY 85: Ms. Joseph presented the temporary closure effective February 26, 2018, through March 2, 2018, for a culvert replacement. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Conway, and it carried unanimously.

 12) CONSIDER AGREEMENT FOR INDEMNIFICATION AND AUTHORIZE CHAIR TO SIGN – CENTRAL COLORADO CONSERVANCY DISTRICT: Bruce Barker, County Attorney, reviewed the

agreement with Central Colorado Conservancy to complete the Hokestra Pit sale and the transfer of the remaining .25 shares of rural stock to Central Colorado Conservancy District. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.



13) CONSIDER APPOINTMENT TO NOXIOUS WEED MANAGEMENT ADVISORY BOARD: Commissioner Conway moved to approve said appointment. 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 9:20 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 FEBRUARY 14, 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, February 14, 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 February 12, 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 Kirkmeyer seconded the motion, and it carried unanimously.

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

#### **BIDS:**

 1) PRESENT BID #B1800057, TRAFFIC PAINT AND BEADS – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, presented the ten (10) bids received and stated staff will bring back a recommendation on February 28, 2018.

#### **NEW BUSINESS:**

 1) CONSIDER CONTRACT ID #1676 AMENDMENT #1 FOR TALX INCOME VERIFICATION SERVICES AND AUTHORIZE CHAIR TO SIGN: Judy Griego, Director of the Department of Human Services, presented the amendment which will allow the Department to work with the Colorado Department of Human Services, with the work number to determine eligibility for Human Services Programs. The Weld County Department of Human Services' portion from the State is \$143,470.03.

Commissioner Kirkmeyer moved to approve said amendment #1 and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 2) CONSIDER CONTRACT ID #1677 AGREEMENT FOR COMMUNICATIONS TOWER AND SITE LEASE AND AUTHORIZE CHAIR TO SIGN – SKYBEAM, LLC, DBA RISE BROADBAND: Mike Wallace, Director of Public Safety Communications, reviewed the terms of the agreement for the revised renewal lease agreement with Rise Broadband. He stated this agreement increased their rate and they were asked to move outside the County's facility and put in their own utilities and equipment box. Walt Leslie, Department of Public Safety Communications, explained they wanted Skybeam, LLC, dba Rise Broadband, to move out of the County's facility, to maintain network security within the building. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 3) CONSIDER TEMPORARY ASSEMBLY PERMIT – IHRF, INC: Frank Haug, Assistant County Attorney, presented the request for the temporary assembly permit for March 3 and 4, 2018, for a horse race which includes rain-out-date built into it of March 10 and 11, 2018. He stated the USR in July, 2017, included a provision if they hold an event with more than 500 people, they would need to apply for a temporary assembly permit. He stated the applicants should comply with all the provisions of the USR, as well as, the ones for the temporary assembly permit. He stated they will have a water truck for dust abatement and water will be provided by vendors. The applicants have posted the \$3,000.00 collateral, there will be two (2) certified veterinarians on site. He explained they will have security and, an ambulance on site. They will also have a medical tent and fifteen (15) security personnel who are also trained as first responders.

 Anna Ornelas, applicant, stated this will be the first event they will have since their USR was approved in July, 2017. She stated she discovered it is more efficient to have trained security guards, as first responders, at the event which eliminates the need for more EMT's.

 No public testimony was offered concerning this matter.

 Commissioner Cozad moved to grant the temporary assembly permit. The motion was seconded by Commissioner Conway, and it carried unanimously.

 4) CONSIDER APPLICATION FOR JUSTICE ASSISTANCE GRANT (JAG) AND AUTHORIZE ELECTRONIC SUBMITTAL: Jennifer Oftelie, Sheriff's Office, presented the application for two (2) body scanners for the jail intake for booking. She stated the scanners are similar to the TSA machines used at the airport. In response to Chair Moreno, Ms. Oftelie stated there are other companies locally that are available to do maintenance on the machine within the fifteen-year (15) warranty. In response to Commissioner Cozad, Ms. Oftelie confirmed the scanner will be able to detect items internally. Commissioner Conway stated contraband is a huge problem at the jail and the body scanners will help prevent this. Commissioner Conway moved to approve said application and authorize electronic submittal. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

#### **PLANNING:**

 1) CONSIDER AMENDED RESOLUTION RE: USE BY SPECIAL REVIEW PERMIT, USR17-0016 – WW, LLC: Bob Choate, Assistant County Attorney, presented the proposed amended resolution and stated since Commissioner Conway made the findings it would be advantageous to have him read the findings for the record.

 Bruce Barker, County Attorney, clarified the process to present the findings for the amended Resolution.

 Commissioner Cozad stated she read the draft resolution and the revisions cover everything, but she would like to go through each section to add comments and discuss the findings.

 Commissioner Conway read the findings as outlined in the amended resolution Section #1.A. Commissioner Cozad suggested adding more a sentence to the paragraph

 Commissioner Cozad stated after reviewing the transcripts of Section 23-2-230. B.1, during the deliberation, she and Commissioner Kirkmeyer indicated the applicant did not demonstrate that they had met the goals and policies of Chapter 22 in the Comprehensive Plan and she specifically stated the plan lacked adequate evidence demonstrating how the project meets the Comprehensive Plan.

 Commissioner Kirkmeyer clarified the process of reading and making additions or changes to the resolution. She stated Commissioner Conway should read the findings and then the Commissioners should include any additional comments and findings.

 Commissioner Conway read paragraph Section 22-2-20.1.A for the record. Commissioner Cozad added to A.Policy 2.3 the application lacked evidence on meeting the Comprehensive Plan as discussed during deliberations. Commissioner Cozad added language because she feels the applicant did not meet the Policies in A.Policy 2.2, due to the fact that the impact on surrounding properties would not be minimal.

 Commissioner Cozad stated the applicant did not demonstrate how the business would meet the characteristics of the area, as stated in A.Policy 7.1 and 7.2. She stated the area is primarily residential, but several of the land uses have agricultural components; therefore, the application does not meet A.Policy 9.2.

 Commissioner Kirkmeyer stated she wants to add to the findings of A.Policy 8.3, which stated the applicant is to demonstrate that the roadway facilities associated with the proposed development are adequate and have structural capacity to support the proposed land use change. The facility did not meet those conditions and County Road 2 has approximately 3,121 daily trips, with no future improvements planned for development of the roadway.

 Commissioner Cozad clarified for the record that the proposed site is not located in a Regional Urban Area.

 Commissioner Cozad suggested instead of it being called “operations” they should be called “existing properties.” She explained the nature of the businesses in the area are home businesses, which are more compatible with the surrounding area, because they are smaller and don’t have traffic. Commissioner Kirkmeyer agreed with changing operations to properties. Commissioner Kirkmeyer suggested adding there is a permitted small recreational vehicle and boat storage and removing the language “according to the neighbors”. She stated she would like to add “the proposed use is more intense and substantially more commercial and industrial in nature.” Commissioner Kirkmeyer stated because the proposed facility was going to utilize trash roll-offs and heavy equipment, it would be more industrial. Additionally, the applicant has proposed four (4) individual flex buildings that could not be adequately described. Commissioner Cozad suggested the applicant did not completely address the

impacts on the surrounding property owners or have any mitigation techniques that would make it more compatible to the surrounding area.

 Commissioner Conway asked if language regarding the applicant operating the roll-off business, without the proper permits, should be added to the resolution. Commissioner Kirkmeyer suggested not adding any mention of the roll-off business.

 Mr. Choate presented the suggested language he drafted for Paragraph B.

 Commissioner Conway continued reading the amended resolution. Commissioner Kirkmeyer and Conway discussed modifying the sentence that states, "This is not the same future the owners planned for this area." Commissioner Conway reported it was taken directly from the testimony, and because of this, Commissioner Kirkmeyer decided to keep the language as stated.

Commissioner Cozad suggested changing the word "planned" to "envisioned". She stated they didn't plan the neighborhood, but they had expectations for the future of the neighborhood.

 Commissioner Kirkmeyer added the applicant did not demonstrate a sufficient landscaping or screening plan; furthermore, they didn't have any plans to show how they proposed to buffer or mitigate any impacts on the surrounding property owners. Commissioner Kirkmeyer stated there isn't a way to screen the heavy industrial trucks and so she would like to have something added that the applicants didn't have a plan for screening or mitigating the impacts. Commissioners Cozad stated there needs to be language about environmental issues added as well. She stated Lauren Light, Department of Public Health and Environment, had concerns about painting the roll-offs, but the applicant did not demonstrate how they could meet the health and environmental concerns.

 Commissioner Kirkmeyer reminded the Board, the applicant did not demonstrate the proposed facility would meet the residential level noise standard and actually requested the Commissioners change the zone to a commercial zone noise level. Commissioner Cozad stated she would like to add something about the inadequate dialogue with the surrounding property owners.

 Mr. Choate reviewed the changes to Paragraph D, Section 23-2-230.B.7, as suggested by the Board.

 Commissioner Conway moved to approve amended resolution. The motion was seconded by Commissioner Cozad.

 Each of the Commissioners thanked Mr. Choate and Commissioner Conway for their hard work on this. After further discussion, the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 10:05 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 FEBRUARY 21, 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, February 21, 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 February 14, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **READ ORDINANCE BY AUDIO:** Commissioner Kirkmeyer moved to read Code Ordinance 2018-02, by audio. Commissioner Freeman seconded the motion, which carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on February 14, 2018, as follows: 1) 1MJUSR17-16-0029 – Reynaldo Bonilla. Commissioner Freeman seconded the motion, which carried unanimously.

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

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

 **PUBLIC INPUT:** Brett Reese, a local church operator and business owner in Greeley, expressed his concerns regarding the eviction process in Weld County. He requested the Board of County Commissioners hold a work session to allow for discussion related to the time period a landlord must give prior to beginning the eviction process. Secondly, Mr. Reese addressed his concern regarding the lack of a church presence within the Weld County Jail. Lastly, he communicated his desire to host a Bible Study at the local half-way house. Commissioner Kirkmeyer suggested a work session with Sheriff Steve

Reams regarding matters of the jail. She further suggested a separate work session to be scheduled for matters related to the Bible Study and the half-way house. Commissioner Moreno expressed appreciation for the performance of Mr. Reese's family at the Prayer Breakfast on Saturday.

#### **BIDS:**

 1) APPROVE BID B#1800047, SIGN MATERIALS – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the ten (10) low bids received and stated staff recommends awarding to the low bidders, as stated in the staff memo. Commissioner Freeman moved to approve said low bids for various items. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 2) PRESENT BID #B1800053, BELT BID – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the six (6) bids received and stated staff will bring back a recommendation on March 7, 2018.

 3) PRESENT BID #B1800054, HVAC FILTERS – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf stated staff received six (6) bids, and will review and bring back a recommendation on March 7, 2018.

 4) PRESENT BID #B1800040, SCANNING OF HISTORICAL DOCUMENTS FOR WELD COUNTY TREASURER – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated staff received four (4) bids, and will review and bring back a recommendation on March 7, 2018. Commissioner Cozad inquired on the logistics and costs of the off-site project. Mr. Rose stated the stipulations regarding the vendor and the transport of said material are outlined in the contract, and he advised all travel expenses are included in the cost of the bid.

 5) PRESENT BID #B1800042, WELD COUNTY AERIAL IMAGERY COLLECTIONS – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose stated staff received four (4) bids, and will review and bring back a recommendation on March 7, 2017.

 6) PRESENT BID #B1800061, AXIS CAMERAS – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose stated staff received twelve (12) bids, and will review and bring back a recommendation on March 7, 2017.

#### **NEW BUSINESS:**

 1) CONSIDER CONTRACT ID #1639 MEMORANDUM OF UNDERSTANDING AMENDMENT FOR THE WORKFORCE DEVELOPMENT BOARD AND EMPLOYMENT SERVICES AND AUTHORIZE CHAIR TO SIGN: Karin McDougal, Assistant County Attorney, presented the amendment to the memorandum of understanding on behalf of Judy Griego and the Department of Human Services. She explained the Division of Vocational Rehabilitation has requested a new Memorandum of Understanding to replace an existing Memorandum. Commissioner Cozad moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously

 2) CONSIDER TEMPORARY ASSEMBLY PERMIT – MARTIN AND BERTA GUTIERREZ: Frank Haug, Assistant County Attorney, explained this event has been held annually for seven (7) years. He stated the dates for the event are April 7-8, 2018, or alternatively, the succeeding weekends in April, if necessary due to inclement weather. Mr. Haug outlined the details of the event. Martin Gutierrez, applicant, thanked the Commissioners for their consideration. Commissioner Conway thanked Mr.

Gutierrez for his commitment the past seven (7) years to a successful event with no past complaints. No public input was offered on said matter. Commissioner Conway moved to approve said temporary assembly permit. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 3) CONSIDER GRANT APPLICATION FOR HAZARDOUS MATERIALS EMERGENCY PLANNING (HMEP) AND AUTHORIZE CHAIR TO SIGN: Merrie Garner, Office of Emergency Management, stated the grant is for a total budget amount of \$120,000.00, and will require a \$24,000.00 County match. She advised this is pending state approval, and the grant is due February 28, 2018. Commissioner Freeman moved to approve said application and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.

 4) CONSIDER LICENSE AGREEMENT FOR USE OF COUNTY PROPERTY AND AUTHORIZE CHAIR TO SIGN – WELD FOOD BANK: Toby Taylor, Director of the Department of Buildings and Grounds, reviewed the terms of the agreement for an event on March 3, 2018. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Commissioner Freeman seconded the motion, and it carried unanimously. Commissioner Kirkmeyer proposed a new process in which items like these require approval only from Mr. Taylor, as a standard form agreement, and then the item can be formally approved on the Consent Agenda authorizing Chair signature. The Board agreed.

 5) CONSIDER LEASE AMENDMENT (822 7TH STREET, GREELEY) AND AUTHORIZE CHAIR TO SIGN: Mr. Taylor outlined the amendments to the lease agreement made with the Division of Vocational Rehabilitation, and stated staff recommends approval. Commissioner Conway moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 6) CONSIDER REAPPOINTMENTS OF TOBY TAYLOR AS VETERANS SERVICE OFFICER: Commissioner Cozad suggested continuing items 6 thru 9 to allow for a work session. Esther Gesick, Clerk to the Board, stated she was approached by staff with concerns regarding term dates and statutory responsibilities. She further advised that the Commissioner's calendars allow for a work session on Monday, which would only require a week-long continuance. Commissioner Cozad moved to continue items #6 thru 9 to February 28, 2018. The motion was seconded by Commissioner Conway, and it carried unanimously. *(Clerk's Note: This matter was subsequently considered on February 26, 2018, instead of February 28, 2018.)*

7) CONSIDER REAPPOINTMENT OF DEON HARRIS AS ASSISTANT VETERANS SERVICE OFFICER: Continued per discussion on Item #6.

8) CONSIDER APPOINTMENT OF AMBER BARTHEL AS ASSISTANT VETERANS SERVICE OFFICER: Continued per discussion on Item #6.

9) CONSIDER APPOINTMENT OF WENDY BAILEY AS ASSISTANT VETERANS SERVICE OFFICER: Continued per discussion on Item #6.

 10) CONSIDER CHANGE ORDER #4 FOR LAW ADMINISTRATION BUILDING DESIGN-BUILD (BID #B1700030) AND AUTHORIZE CHAIR TO SIGN – GROWLING BEAR COMPANY, INC.: Mr. Taylor reviewed the details of the change order, which is to approve a credit of \$1,842.00, as a result of a transformer not being needed as part of the remodel. Commissioner Freeman moved to approve said change order, and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 11) CONSIDER CONTRACT ID #1695 AGREEMENT FOR PART-TIME TEMPORARY EMPLOYMENT AND AUTHORIZE CHAIR TO SIGN – MARK THOMAS: Dr. Mark Wallace, Director of the Department of Public Health and Environment, reviewed the employment agreement for the part-time temporary lab services position, and advised the agreement is for a term not to exceed six (6) months and for a budget not to exceed \$15,000.00. He advised this is a temporary solution to allow continuance of lab operations. Commissioner Cozad inquired about the labor market for the position. Dr. Wallace advised a highly qualified chemist was selected from the applications submitted, who is to start in about two weeks. He further stated the management position is expected to take more time. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 12) CONSIDER CONTRACT ID #1685 INTERGOVERNMENTAL AGREEMENT FOR GRAVEL ROAD MAINTENANCE AND SNOW REMOVAL AND AUTHORIZE CHAIR TO SIGN – TOWN OF KEENESBURG: Jay McDonald, Director of the Department of Public Works, presented the intergovernmental agreement for gravel road maintenance and snow removal of approximately 2.4 miles of section line roadway that Keenesburg has recently annexed. He advised this is maintenance grading only, which falls between a section that Weld County already maintains. He further advised the contract is for the 2018 rates. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.

 13) CONSIDER CONTRACT ID #1694 AGREEMENT CONCERNING PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS FOR CERTAIN IMPROVEMENTS TO CR 53 AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – THE LOWER LATHAM RESERVOIR COMPANY: Clay Kimmi, Department of Public Works, presented the agreement which is for right-of-way and temporary construction easements, for the total amount of \$50,115.00, which is the appraisal amount received from the Lower Latham Reservoir Company. He further advised this is a time-sensitive project, due to the grant funds involved. Commissioner Conway moved to approve said agreement and authorize Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously. Each one of the Commissioners thanked Mr. Kimmi for his work on this project.

 14) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – MATT PETERSON: Commissioner Conway moved to approve said appointment and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 15) CONSIDER REAPPOINTMENTS TO 911 EMERGENCY TELEPHONE SERVICE AUTHORITY BOARD: Commissioner Freeman moved to approve said reappointments. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

 16) CONSIDER REAPPOINTMENTS TO REGIONAL COMMUNICATIONS ADVISORY BOARD: Commissioner Kirkmeyer moved to approve said reappointments. Seconded by Commissioner Cozad, the motion carried unanimously.

 17) CONSIDER APPOINTMENTS TO WORKFORCE DEVELOPMENT BOARD: Commissioner Cozad moved to approve said appointments. The motion was seconded by Commissioner Conway, and it carried unanimously.

 18) CONSIDER APPOINTMENT TO BUILDING TRADES ADVISORY COMMITTEE: Commissioner Conway moved to approve said appointment. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

 19) CONSIDER APPOINTMENT TO AREA AGENCY ON AGING ADVISORY BOARD: Commissioner Cozad moved to approve said appointment. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 20) CONSIDER BYLAWS FOR UTILITIES COORDINATING ADVISORY COMMITTEE: Tom Parko, Director of the Department of Planning Services, reviewed the changes made to the bylaws due to staffing changes between the Department of Public Works and the Planning Department. He further mentioned both departments are in agreement with the proposed changes. In response to Commissioner Conway, Mr. Parko stated there was not a work session. Commissioner Freeman moved to approve said Bylaws for the Utilities Coordinating Advisory Committee. Seconded by Commissioner Cozad, the motion carried unanimously.

 21) FINAL READING OF CODE ORDINANCE #2018-01, IN THE MATTER OF REPEALING AND REENACTING WITH AMENDMENTS, CHAPTER 12 LICENSES AND PERMITS – ARTICLE VIII – CERTIFICATES OF DESIGNATION, OF THE WELD COUNTY CODE: Commissioner Freeman moved to read Code Ordinance #2018-01, by title only. The motion was seconded by Commissioner Cozad, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Bob Choate, Assistant County Attorney, presented the procedures put in place to inform applicants how applications for Certificates of Designation will be processed in accordance with state law. He advised there have been no changes since second reading. No public testimony was offered concerning this matter. Commissioner Cozad moved to approve on final reading. Seconded by Commissioner Kirkmeyer, the motion carried unanimously. Commissioner Kirkmeyer thanked staff for bringing clarification to the process.

#### **PLANNING:**

 1) FIRST READING OF CODE ORDINANCE #2018-02, IN THE MATTER OF REPEALING AND REENACTING WITH AMENDMENTS, CHAPTER 29 BUILDING REGULATIONS (NATIONAL ELECTRICAL CODE), OF THE WELD COUNTY CODE: Jose Gonzalez, Department of Planning Services, presented the proposal to adopt the 2017 National Electrical Code and stated no changes have been made since the worksession held on said matter. No public testimony was offered concerning this matter. Commissioner Kirkmeyer moved to approve on first reading. The motion, which was seconded by Commissioner Cozad, carried unanimously.

 2) CONSIDER RESUBDIVISION, RES17-0002, TO EXPAND LOT 2, BLOCK 3 OF SEEMORE HEIGHTS SUBDIVISION TO INCLUDE A METES AND BOUNDS PARCEL TO THE WEST - KEVIN DAVID STUVEL AND MAUREEN PIERCE STUVEL LIVING TRUST, C/O KEVIN DAVID STUVEL AND MAUREEN PIERCE STUVEL, CO-TRUSTEES: Michael Hall, Department of Planning Services, presented the request to consider a Resubdivision redesign. He stated the owners have a metes and bounds lot, and seek to formally acknowledge the combination of the resubdivision and metes and bounds parcel so the applicant can construct an outbuilding. Mr. Hall communicated all processes taken to notify all required parties, and reviewed the details of the slides depicting the property area. He advised staff recommends support of said resubdivision.

 Kevin Stuvell, applicant, thanked the Board for their support.

 No public testimony was offered concerning this matter.

 Commissioner Cozad moved to approve the resubdivision with the conditions outlined by staff. The motion was seconded by Commissioner Conway, and it carried unanimously.

 3) CONSIDER CONDITION OF APPROVAL #1.C OF USE BY SPECIAL REVIEW PERMIT, USR17-0043 – CACTUS HILL RANCH COMPANY, C/O SIMON CONTRACTORS, INC.: Kim Ogle, Department of Planning Services, stated USR17-0043 was conditionally approved by the Board and the applicants are here to present their Landscaping Plan to the Board.

 Anne Johnson, representative of the applicant with Tetra Tech, presented the comments received pertaining to revisions from the surrounding property owners. She advised three comments for revision were received: 1. The Town of Windsor requested the removal of Staghorn Sumac (which were replaced with additional evergreen), 2. The property owner to the east, K and M Company, indicated the berm in the landscaping was in the power utility easement (which she advised it is not), and 3. The Town of Severance and K and M Company raised concerns about the southern border (which resulted in additional landscaping and a privacy fence). Ms. Johnson reviewed multiple slides depicting the details she presented.

 In response to Commissioner Freeman relating to the screening on the south, Ms. Johnson explained the added landscaping and fencing is per the comment received from the surrounding property owner two (2) miles away to the east.

 In response to Commissioner Conway, Ms. Johnson stated she met in the field with K and M Company representatives prior to the hearings to listen to any suggestions of mitigation, and she reached out after the hearing to see if there were further comments to be made. Commissioner Conway then addressed the letter submitted by Tom Moore, surrounding property owner, and Ms. Johnson explained the concerns mentioned in the letter have been addressed and proper revisions were made. Commissioner Cozad shared her thoughts regarding the matter and said the landscaping and fencing should suffice in addressing the concerns of said letter. Mr. Ogle stated Development Standard #8 addresses the maintenance responsibilities inquired about in the letter. Mr. Ogle stated, in his opinion, this Plan meets the requirements and mitigates all concerns made prior to this hearing. No public testimony was offered concerning this matter. Commissioner Kirkmeyer moved to approve said revised Landscape Plan and deem Condition of Approval #1.C as satisfied. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 Commissioner Kirkmeyer thanked Ms. Johnson for including the elevations and working with the surrounding property owners and towns.

 Commissioner Conway expressed his appreciation for the applicant meeting the minimum requirements, and he further expressed the importance of future positive engagements as a neighbor.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-01 was approved on Final Reading. Code Ordinance #2018-02 was 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 10:19 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 FEBRUARY 26, 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, February 26, 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 Cozad moved to approve the minutes of the Board of County Commissioners meeting of February 21, 2018, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Kirkmeyer moved to approve the Certification of Hearings conducted on February 21, 2018, as follows: 1) USR17-0046 – Anadarko E and P Company, LP, c/o Kerr-McGee Oil and Gas Onshore, LP. Commissioner Conway seconded the motion, which carried unanimously.

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

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

#### PRESENTATIONS:

 1) RECOGNITION OF SERVICES, DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT – DEBORAH DREW: Chair Moreno read the certificate for the record recognizing Ms. Drew for her outstanding service to the citizens of Weld County. Dr. Mark Wallace, Director of the Department of Public Health and Environment, presented Ms. Drew with a plaque and pin to recognize her for her professionalism and enthusiasm during her work with the County. Each of the Commissioners thanked her for her thirty years of service to the residents of Weld County. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

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

**BIDS:**

 1) APPROVE BID #B1700146, PROXIMITY CARD SYSTEM – DEPARTMENT OF BUILDINGS AND GROUNDS (*CONT'D FROM 2/12/2018*): Rob Turf, Purchasing Department, reviewed the twelve (12) bids received and stated staff evaluated the five (5) lowest bids which met certain specifications. Based on the scoring criteria, staff recommends awarding to Long Building Technologies. In response to Commissioner Conway, Toby Taylor, Director of the Department of Buildings and Grounds, stated Long Building Technologies was the only one that met all specifications and is in the County's best interest of the long-term goals. Commissioner Cozad moved to approve said bid as recommended by staff. Seconded by Commissioner Freeman, the motion carried unanimously.

 2) PRESENT BID #B1800052, CUSTODIAL SUPPLIES – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the fourteen (14) bids received and stated staff will bring back a recommendation on March 12, 2018.

**OLD BUSINESS:**

 1) CONSIDER REAPPOINTMENTS OF TOBY TAYLOR AS VETERANS SERVICE OFFICER (*CONT'D FROM 2/21/2018*): Mr. Taylor stated this will correct a clerical oversight and explained the two (2) year terms of the Veterans Service Officer and the Assistant Veterans Service Officer. In response to Commissioner Cozad, Mr. Taylor confirmed it was just a clerical error which wasn't caught until recently. Commissioner Kirkmeyer moved to approve said reappointments. The motion, which was seconded by Commissioner Cozad, carried unanimously.

 2) CONSIDER REAPPOINTMENT OF DEON HARRIS AS ASSISTANT VETERANS SERVICE OFFICER (*CONT'D FROM 2/21/2018*): Mr. Taylor reviewed the terms of Mr. Harris' reappointment as Assistant Veterans Service Officer with a term to expire on August 31, 2019. Commissioner Cozad moved to approve said reappointment. The motion was seconded by Commissioner Conway, and it carried unanimously.

 3) CONSIDER APPOINTMENT OF AMBER BARTHEL AS ASSISTANT VETERANS SERVICE OFFICER (*CONT'D FROM 2/21/2018*): Mr. Taylor stated this is the initial resolution to appoint Amber Barthel as Assistant Veterans Service Officer, with a term to begin on February 21, 2018, and to end February 20, 2020. Commissioner Freeman moved to approve said appointment. The motion was seconded by Commissioner Conway, and it carried unanimously.

 4) CONSIDER APPOINTMENT OF WENDY BAILEY AS ASSISTANT VETERANS SERVICE OFFICER (*CONT'D FROM 2/21/2018*): Commissioner Conway moved to approve said appointment of Wendy Bailey as Veterans Service Officer with a term to begin February 21, 2018 and to end on February 20, 2020. Seconded by Commissioner Kirkmeyer, the motion carried unanimously. Commissioner Cozad thanked Mr. Taylor, Wendy Bailey and Amber Barthel for being present and for the outstanding service they provide to the Weld County Veterans.

 5) CONSIDER ADOPTION OF WELD COUNTY ROAD 29 ACCESS CONTROL PLAN (*CONT'D FROM 1/8/2018*): Chair Moreno presented the background on the process of the Weld County Road 29 Access Control Plan (ACP). Elizabeth Relford, Department of Public Works, stated the Board continued this matter on January 8, 2018, to conduct two (2) additional public meetings and allow staff to answer questions and address concerns. She stated each meeting, which was conducted in the evening, was attended by at least 35 people. Ms. Relford added staff additionally met with several landowners at Public

Works and also answered questions by telephone. She then presented the revisions that occurred after the meetings and discussions with the landowners. She stated the first one addresses Paragraph E. Access with Safety Concerns, where the phrase “*when the road is widened*” is concerning to the public, so she recommends adding “*when/if*” additional right-of-way is acquired along County Road 29. She stated the paragraph clarified what “*widening*” means and when it will occur. She stated the next change occurred because specific property owners had concerns with access to their properties. She met with Rebecca and Lee Seward who asked for clarification of Appendix A for their access (E-42) and requested the table be modified to say the 35-acre parcel to the east is under the same ownership and also uses E-42. Kyle Gilbert agreed with the changes of classification to his three (3) accesses. She presented E-97 as the next revision to the plan and stated it is being revised from identification as a future access to a residential access, since the building permit has been issued for this property. She added E-98 and E-100 were revised from future to residential since they also had been issued a permit. Ms. Relford stated W-70 and W-71 also will be removed from the spreadsheet because a Recorded Exemption has been recorded. She addressed the main concern from the residents about the ACP being the effect it could have on their existing accesses. She stated the majority of the accesses identified as safety concerns are because they do not meet the spacing requirements. She pointed out that Appendix A states the recommendations should be used as a guide for developers, land owners, staff, and elected officials when development or road improvements are proposed.

 In response to Commissioner Conway, Ms. Relford stated the accesses she mentioned were not brought up at the Town of Eaton’s Board meeting.

 Chair Moreno thanked the representatives from the municipalities for being present at today’s hearing. He stated the Commissioners received letters from the Towns of Eaton and Severance late on the prior Friday. He requested the Mayors who sent the letters address their concerns with the 29 ACP.

 Kevin Ross, Mayor of Eaton, reviewed the concerns that were presented during the Town of Eaton Board meeting. He stated there was a question about the timing and the location of where the traffic count was done, because of the abnormally high amount of traffic which was recorded. He stated he was just made aware of a proposed gas site being built in the Pierce area and wondered how it would affect the ACP. Mayor Ross stated there have been concerns in the last two (2) years about how information is distributed to the residents along CR 29. He clarified that the Town of Eaton is not withdrawing their support, but would like to make sure that the Commissioners hear the concerns about the 29 Access Control Plan in a public hearing.

 In response to Commissioner Cozad, Mayor Ross stated when the Town of Eaton included the adoption of the 29 ACP on their Agend,a it was published in the Herald, which they use to announce their Town Board meeting agendas. It was also posted at the Town Hall and to their website.

 In response to Commissioner Conway, Mr. Ross stated there were a few residents at the initial meeting.

 Commissioner Kirkmeyer clarified at the recent meeting hosted by the Town of Eaton, there were four (4) residents who attended.

 Don Brookshire, Mayor of the Town of Severance, stated he received concerns of how the process occurred and how the designation of CR 29 changed. He reported their next public meeting is Monday of next wee,k so it will be too late for residents to bring forth concerns. He announced he wanted to present concerns to the Board and would like the Commissioners to consider slowing down the approval

of 29, because the residents don't believe there was adequate notification. In response to Commissioner Cozad, Mr. Brookshire stated there were no notifications of the public meetings pertaining to the 29 Access Control Plan and they only published the Town of Severance's Board meetings. Commissioner Kirkmeyer clarified the Town's Board meetings and Agendas are advertised in a publication, posted in Town Hall and on their website.

 In response to Commissioner Conway, Mayor Brookshire stated they received public comments and concerns after the Town acted on the Access Control Plan.

 Craig Cleveland, Mayor Pro-Tem of the Town of Pierce, stated when they held their meeting, there was no public comment. The concerns they have received is with the proximity of U.S. Highway 85 and the railroad track. In response to Commissioner Conway, Mayor Pro-Tem Cleveland, stated the Board voted to annex the processing plant at their February 12, 2018 Board meeting. He stated Rimrock purchased property in November, 2017. In response to Commissioner Kirkmeyer, Mayor Pro-Tem Cleveland stated they just found out about the processing plant; however, they plan to follow the Access Control Plan and see the CR 29 ACP as a benefit.

 Butch White, e Mayor of the Town of Ault, thanked the Commissioners and staff for working collaboratively with the residents. He commended the County Commissioners for being forward-thinking.

 Terry Tinsley, Town of Nunn Trustee, stated the Town of Nunn is the only town County Road 29 goes directly through and the Town is in support of the Access Control Plan. He reported at the meetings he did not receive any negative feedback and believes having another access to travel to Greeley is a benefit, because Highway 85 and Interstate 25 have to much traffic. Commissioner Kirkmeyer expressed her appreciation for Mr. Tinsley being involved in the public meetings. Commissioner Freeman thanked Mr. Tinsley for keeping the residents in the Town of Nunn well informed on this matter.

 Stephanie Rice, resident of Eaton, stated her frustration with the timing and process of notification to the general public. Ms. Rice stated some residents were not able to get a straight answer to their questions about the roadway and she doesn't believe the County is being forthcoming about the Access Control Plan. She stated she doesn't see a need for the CR 29 ACP. Ms. Rice stated she would like to see this matter continued so more public can be notified.

 Mike McNeil, resident of Eaton, stated he is frustrated about the lack of information being distributed to the residents along CR 29 and doesn't feel like the CR 29 ACP is needed. He stated there is a growing concern among the community as a result of the new emerging information coming from this Access Plan. He expressed frustration with employed people being able to attend the meetings that are held during working hours. He stated the concerns of the people are not being addressed and he would like to see the process slow down so people are informed and can have a voice in this matter.

 Dave Kisker, resident of Johnston, stated he was speaking on behalf of the People United for Responsible Government, and stated he would like clarification on why there is a need for the Weld County Road 29 ACP. He said he would like the Commissioners to make the plan public and requested that Commissioner Freeman recuse himself from the vote, since he has material non-public information concerning the plan.

 Chair Moreno stated Weld County is continuing to grow and people want to move here. He stated the Commissioners are tasked with planning for the future.

 Commissioner Cozad stated she appreciates the public coming and voicing their concerns. She clarified the concerns brought forth today are more toward the arterial designation and not the Access Control Plan. She stated once the CR 29 ACP is implemented, and if there is a problem with the railway, the residents will have another way to get north and south. She reported the main reason for the ACP is working with the residents to develop a plan for future growth and ensure people have multiple ways to travel in the County. She stated there can always be improvements on how the public is notified and suggested people sign up for the County newsletter; however, she feels like the County has gone above and beyond to make the public aware of this project.

 Commissioner Freeman stated he has the same information as everyone else and the CR 29 ACP is needed to make these improvements to make traveling easier because of the population growth.

 Commissioner Conway stated he would like staff to slow down the process and address the concerns and questions before approving the CR 29 ACP.

 Commissioner Kirkmeyer clarified that the Access Control Plan is what is being discussed today and it is confusing to the public to discuss the functional classification of the roadway which has already been done. She expressed her frustration with people trying to mislead the public. She talked with the resident at the Town of Nunn Board meeting and believed the resident had her concerns addressed. Commissioner Kirkmeyer stated she would like the truth to be spoken because all five (5) County Commissioners and the municipalities agreed on CR 29 as the corridor to be improved. She stated the Commissioners were just informed about the proposed processing plant and Commissioner Freeman does not have a conflict of interest because he doesn't live along CR 29. She reiterated the purpose of the Access Control Plan is a planning effort to work with all the municipalities, protect the County's investment, enhance safety and ensure the integrity of the roadway. She then reviewed the comments from the municipalities that were present.

 Commissioner Kirkmeyer moved to adopt the County Road 29 Access Control Plan which was seconded by Commissioner Cozad.

 Commissioner Conway requested a roll call vote, and he stated he would like the Board to continue this matter to address the municipalities' concerns. Chair Moreno clarified this matter is for the Access Control Plan. Upon a roll call vote, the motion passed four to one, with Commissioner Conway opposed.

 6) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR WELD COUNTY ROAD 29 ACCESS CONTROL PLAN BETWEEN STATE HIGHWAY 392 AND COUNTY ROAD 100 AND AUTHORIZE CHAIR TO SIGN – VARIOUS ENTITIES (*CONT'D FROM 1/8/2018*): Ms. Relford reviewed the terms of the Intergovernmental Agreement where various municipalities will adopt the County Road 29 Access Control Plan. Commissioner Conway clarified if there would be amendments made to the ACP, a majority vote would be needed before moving forward. Commissioner Cozad moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and upon a roll call vote, the motion passed four to one with Commissioner Conway opposed. Commissioner Kirkmeyer reported she was the one who suggested holding a public forum and the Commissioners held two (2) forums at which the public had additional opportunity to comment on the ACP.

#### **NEW BUSINESS:**

 1) CONSIDER RENEWAL APPLICATION FOR A HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – COLORADO CATTLE COMPANY, LLC, DBA

COLORADO CATTLE COMPANY: Frank Haug, Assistant County Attorney, presented the renewal application and noted there are no concerns. Tom Carr, resident of New Raymer, clarified they are open from May to October and he thanked the Board for renewing his license. Commissioner Conway moved to grant said license renewal and authorize Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 2) CONSIDER CONTRACT ID #1691 UTILITY AGREEMENT FOR INSTALLATION OF NATURAL GAS DISTRIBUTION MAIN LINE EXTENSION AND AUTHORIZE CHAIR TO SIGN – ATMOS ENERGY CORPORATION: Ms. Relford reviewed the details of the utility agreement with Atmos Energy Corporation to install a natural gas main line extension for the CNG fueling site upgrade. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 3) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – LACY WELLS: Commissioner Conway moved to approve said appointment of Lacey Wells, as Deputy District Attorney, and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

#### **PLANNING:**

 1) CONSIDER RECORDED EXEMPTION, RECX17-0208 – CURT AND ROSE JOHNSTON: Angela Synder, Department of Planning Services, stated the applicants are requesting that Lot D2, be split into two (2) lots, Lot A and Lot B. She explained Lot D2 was created when a deeded railroad parcel crossing Lot D was still under the ownership of Great Western Trail Authority. She stated the applicants have extenuating circumstances and have requested waiving the minimum acreage requirement. Ms. Synder displayed a photo showing the proposed lot line. She stated proposed Lot B contains a single-family home and a barn, there are no improvements on Lot A, and the proposed lots are accessed by an access which is maintained by Northern Country Estates Homeowners' Association. Ms. Synder presented a timeline describing the history of the property and stated if this land split is approved, it will be the third recorded exemption on this tract of land. In response to Chair Moreno, Ms. Synder stated Lots A, B, and C are between five (5) and ten (10) acres. She reviewed the sections of the code in which the applicant has not shown compliance as follows. Regarding Section 24-8-40.J, she explained although this recorded exemption will only create one new lot, the previous recorded exemptions and amendments have created a residential neighborhood of urban scale that should have gone through a subdivision process. She reviewed Section 24-8-40.K and stated because the applicant is not going through the subdivision process, there is diminished opportunity to evaluate the neighborhood and establish adequate standards for design and improvement. Next, she stated the applicants do not meet the code requirements of Section 24-8-40. and Section 24-8-40. P. She stated there are other options available to the applicant to build one additional dwelling unit or create new lots that do not require a waiver from the requirements listed in the Weld County Code. In response to Commissioner Cozad, Ms. Synder stated the amended RE-4412 was recorded in August, 2010. Ms. Synder clarified it was recorded after the Code change.

 Evan Pinkham, Department of Public Works, stated staff will not support any additional access points onto CR 29 and the Department of Planning Services is already allowing two (2) access points which are in close proximity to each other.

 Tim Naylor, representative of AGPROfessionals, stated the applicants decided to complete the Recorded Exemption process because it is quicker, rather than a Planned Unit Development (PUD) process. He stated there will not be any additional impact to County Road 29.

 In response to Commissioner Cozad, Mr. Naylor explained Mr. Johnston will use the property as part of his retirement plan and purchased the land with plans to split the parcel at a future date. Mr. Naylor explained they started this as a PUD process, because they wanted to do a four (4)-lot PUD, but they ran into the issue of having more accesses located on County Road 29.

 Mr. Naylor stated the applicant would be willing to complete a two (2)-lot PUD application. In response to Commissioner Kirkmeyer, Mr. Naylor stated the applicants purchased this property in 2013 and will not have an additional access onto CR 29.

 Commissioner Cozad moved to approve Recorded Exemption, RECX17-0208, which was seconded by Commissioner Conway. Commissioner Cozad stated she granted the waiver because there is already an established internal road. Commissioner Kirkmeyer stated she is in support of the Recorded Exemption and doesn't see a reason for a two (2)-lot PUD process. There being no further discussion, the motion passed 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 10:51 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

\_\_\_\_\_  
EXCUSED DATE OF APPROVAL  
Sean P. Conway

\_\_\_\_\_  
Julie A. Cozad

\_\_\_\_\_  
Mike Freeman

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO FEBRUARY 28, 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, February 28, 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 - EXCUSED  
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 February 26, 2018, as printed. Commissioner Kirkmeyer 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 Cozad seconded the motion, and it carried unanimously.

 **PUBLIC INPUT:** Chair Moreno recognized several individuals who generously supported and volunteered for the Weld County Foster Families Christmas Parties. Commissioner Kirkmeyer read a list of individuals, submitted as Exhibit A, and reported the other agencies and individuals were recognized at a previous meeting for their support to Foster Care in Weld County. Commissioner Cozad stated she wanted to personally thank the volunteers for their generosity. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 Steve Teets, resident of Greeley, announced the City of Greeley is holding their Greeley Food Tax Rebate Program and distributed some informative brochures. He inquired about having transportation available for Veterans and disabled individuals to be able to access the cities of Loveland and Fort Collins for medical treatment. Mr. Teets suggested implementing a RTA plan for transportation solutions. Commissioner Cozad reported Mr. Teets has addressed the Metropolitan Planning Organization (MPO)

about the need for transportation and stated she will remind them there is still a need for an RTA plan. She thanked Mr. Teets for his input to the Board.

**BIDS:**

 1) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (RR ROW W1/2 E1/2, S8, T7N, R63W – 22.10 ACRES): Barb Connolly, Controller, presented the sole bid submitted by Aztec Exploration, LLC, for the 22.10 acres, for the total amount of \$18,232.50. Commissioner Kirkmeyer moved to approve said lease and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 2) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (LOT 4 IN THE SW1/4 SW1/4, S7, T10N, R61W – 43.25 ACRES): Ms. Connolly presented the sole bid received from Verdad DJ North, LLC, for 43.25 acres for the total amount of \$28,977.50. Commissioner Freeman moved to approve said lease and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 3) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (W1/2 SW1/4, W1/2 E1/2 SW1/4, S2, T7N, R63W – 120 ACRES): Ms. Connolly presented the sole bid for 120 mineral acres from Aztec Exploration for the total amount of \$99,000.00. Commissioner Cozad moved to approve said lease and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 4) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (E1/2, S11, T10N, R61W – 320 ACRES): Ms. Connolly presented the sole bid for 320 mineral acres from Verdad DJ North, LLC, for the total amount of \$320,000.00. Commissioner Freeman moved to approve said lease and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 5) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (SW1/4, S20, T10N, R60W – 160 ACRES): Ms. Connolly presented the sole bid for 160 mineral acres from Verdad DJ North, LLC, for the total amount of \$107,200.00. Commissioner Cozad moved to approve said lease and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 6) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (SW1/4 SE1/4, S31, T1N, R68W – 26.68 ACRES): Ms. Connolly conducted an oral auction for the 26.68 mineral acres, between the two (2) highest bidders. Commissioner Freeman moved to approve said lease to Verdad DJ North, LLC, and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously. *(Clerk's Note: subsequent to the hearing this bid was withdrawn.)*

 7) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (SE1/4 SW1/4, S31, T1N, R68W – 26.68 ACRES): Ms. Connolly conducted an oral auction between the two (2) highest bidders. Commissioner Kirkmeyer moved to approve said lease to Verdad North DJ, LLC and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously. *(Clerk's Note: subsequent to the hearing this bid was withdrawn.)*

 8) APPROVE BID #B1800057, TRAFFIC PAINT AND BEADS – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the ten (10) bids received and stated staff

recommends awarding to the low bidders, Vogel Paint and Wax, for the yellow and white traffic paint and that the glass bead bid be awarded to Potters Industries. Commissioner Cozad moved to approve said bid as recommended by staff. Seconded by Commissioner Freeman, the motion carried unanimously.

 9) PRESENT BID #B1800044, ELECTRONIC MONITORING EQUIPMENT AND OFFENDER SUPERVISION SERVICES – DEPARTMENT OF JUSTICE SERVICES: Mr. Turf reviewed the five (5) bids received and stated staff will bring back a recommendation on March 26, 2018.

#### **NEW BUSINESS:**

 1) CONSIDER APPLICATION FOR VICTIMS OF CRIME ACT (VOCA) GRANT FOR VICTIM ASSISTANCE UNIT AND AUTHORIZE ELECTRONIC SUBMITTAL: Michael Rourke, District Attorney and JoAnn Holden, District Attorney's Office, presented the grant for \$349,997.00, with a \$89,384.00 County match, to provide for increases in salaries and benefits for staff members of the Victims Services Unit. Commissioner Freeman moved to approve said application and authorize electronic submittal. The motion, which was seconded by Commissioner Cozad, carried unanimously.

 2) CONSIDER APPLICATION FOR VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) GRANT FOR VICTIM WITNESS ASSISTANCE UNIT AND AUTHORIZE CHAIR TO SIGN: Mr. Rourke presented the grant application for the amount of \$140,594.00, with no County match. Commissioner Cozad moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 3) CONSIDER VICTIM ASSISTANCE LAW ENFORCEMENT (VALE) GRANT APPLICATION FOR VICTIM SERVICES UNIT AND AUTHORIZE CHAIR TO SIGN: Debbie Calvin, Sheriff's Office, reviewed the grant application and stated there have been no changes to the amount, since the previous year. Commissioner Kirkmeyer stated she would like to get additional information to know the exact dollar amount. Commissioner Cozad moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 4) CONSIDER CONTRACT ID #1697 AGREEMENT FOR LAW ENFORCEMENT SERVICES AND AUTHORIZE CHAIR TO SIGN – TOWN OF MEAD: Jennifer Oftelie, Sheriff's Office, and Steve Reams, Sheriff, reviewed the limited service contract to provide law enforcement support to the Town of Mead, until they are able to obtain a new Police Chief. In response to Commissioner Cozad, Mr. Reams stated there are three (3) officers currently employed and they are planning to hire a new Police Chief. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.

 5) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY ACCESS PERMIT, FOR RECX15-0165 – HOMES FOR OUR TROOPS: Dawn Anderson, Department of Public Works, stated in December, 2017, Homes for Our Troops requested an additional residential access along County Road 8, to Lot C. She stated in the approval process the Board granted one shared access to the four (4) lot Recorded Exemption. Ms. Anderson explained as part of the conditions of the original resolution, there would be no net increase to the access points onto County Road 8 and there is no site or spacing criteria that needs to be met. She stated Homes for Our Troops is considering purchasing the lot and requesting a variance to add another access point. Ms. Anderson advised County Road 19, is an arterial road which is paved and the ADT is 812 with 26% of the vehicles per day being trucks and County Road 8 is designated as a Local gravel road and the ADT is 176 with 35% of the vehicles per day being trucks.

 Commissioner Kirkmeyer stated the applicant should have to go through the amended USR process because additional accesses was part of a Recorded Exemption approved with conditions; furthermore, it was a Recorded Exemption with a shared access point. She expressed her frustration with the lack of information provided by the previous owner.

 Bruce Barker, County Attorney, stated the Board should have included a requirement that the applicant cannot apply for another access permit, because the applicant has a right to appeal the denial of the Department of Public Works, according to Section 12-5-130. The Board; however, can decide not to approve the access permit. Mr. Barker stated there should be a reference added to Chapter 12 stating it has already been denied in the Recorded Exemption and that they cannot apply for additional accesses. Mr. Barker explained the appellant is requesting another access point and appealing the denial. Commissioner Kirkmeyer clarified the appellant is asking the Board to overturn a denial by the Department of Public Works.

 Commissioner Cozad stated the main reason the RE was approved, was because all the lots were to have a shared access and at the time, there was a four to one vote, with Commissioner Kirkmeyer being opposed.

 Michael Hall, Department of Planning Services, stated he spoke with Frank Haug, Assistant County Attorney, who suggested this matter be brought to the Board to appeal the denial of the Department of Public Works. He stated in several other instances, applicants have come back later and requested additional access points. Commissioner Cozad suggested revising the Weld County Code and the applicants may need to amend their plat.

 Commissioner Freeman presented his concerns about the requirements of the Recorded Exemption, because once it is sold to a different owner, the new owner should be able to come in and apply for changes to the RE and an Access Permit change.

 Commissioner Kirkmeyer clarified the discussion isn't about changing the use of the access. She stated the Board made the decision to not grant the applicant additional accesses. She stated she supports applicants coming to the Board later and requesting a change to the access, but it is a problem when applicants are applying for additional accesses after it was denied by the Board.

 Mary Wohnrade, representative of Wohnrade Civil Engineers and Homes for Our Troops, stated there is a disconnect between a developer who wants to subdivide a parcel of land and get an approval for a Recorded Exemption, sells the lots and in this instance the developer didn't disclose the shared access agreement to the buyer of Lot A. She expressed Homes for Our Troops would like to purchase the lot for a severely disabled veteran and would prefer a single access for emergency purposes. Commissioner Kirkmeyer stated this is on the plat and it becomes a civil matter with the seller of the property, because he has not followed through with his requirements on the property. Commissioner Kirkmeyer stated the buyer has created a linear subdivision along County Road 8.

 Ms. Wohnrade requested some clarification about applying for additional accesses five (5) to ten (10) years after the Board approves a Recorded Exemption.

 Commissioner Cozad clarified the access for this property is unique because the main reason this RE was approved was because the four (4) lots were going to have a shared access. She stated because of the land splits, there was some evasion of the County's subdivision regulations to get this RE approved and the reason she supported the RE was because of the shared access for all four (4) lots.

 Ms. Wohnrade expressed her frustration that the seller had not been forthcoming with potential buyers about the shared access and the maintenance agreement.

 Hank Galbreath, representative of Homes for Our Troops, explained they build homes and donate them to Veterans. He stated the organization has built 250 special adapted homes. The Veterans choose where they want to live and they have learned through experiences that it is important to provide the best access. He explained the access appears to go to lots A, B, C and D, but it isn't clear who is to maintain this access. He stated a shorter, black top access from the south, would be ideal for the Veteran's home.

 Commissioner Cozad stated she appreciates Mr. Galbreath's efforts and what they are trying to do, but she can't support the appeal.

 Chair Moreno stated he is unable to support the appeal and believes there needs to be some clean-up done.

 Commissioner Freeman stated he agrees with his fellow Commissioners and this is an unfortunate situation, but he doesn't support the appeal. He supports Veterans and believes it is important to assist them and is extremely sympathetic in this situation.

 Commissioner Cozad moved to deny the appeal of the decision of the Department of Public Works. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 Ms. Anderson clarified the motion was to deny the appeal of the Access Permit.

**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 9:57 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Steve Moreno, Chair

EXCUSED DATE OF APPROVAL  
\_\_\_\_\_  
Barbara Kirkmeyer, Pro-Tem

EXCUSED  
\_\_\_\_\_  
Sean P. Conway

\_\_\_\_\_  
Julie A. Cozad

\_\_\_\_\_  
Mike Freeman