


RECORD OF PROCEEDINGS

MINUTES

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


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, June 4, 2018, at the hour of 9:00 a.m.


 **ROLL CALL:** The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:

Commissioner Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem - EXCUSED
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 Freeman moved to approve the minutes of the Board of County Commissioners meeting of May 30, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner Cozad moved to approve the Certification of Hearings conducted on May 30, 2018, as follows: 1) USR18-0009 – Leslie Anne Windyka, and 2) 1MJUSR18-15-0078 – Circle B Land Company, LLC, c/o HighPoint Resources Corporation. Commissioner Freeman seconded the motion, which carried unanimously.


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

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


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

BIDS:


 1) APPROVE BID #B1800077, CR 87 ROAD IMPROVEMENTS BETWEEN SH 34 AND CR 46.5 – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the five (5) bids received and stated staff recommends awarding to the low bidder, Mountain Constructors, Inc., for the total amount of \$2,955,310.00. Commissioner Cozad moved to approve said low bid. Seconded by Commissioner Freeman, the motion carried unanimously.

 2) APPROVE BID #B1800099, JAIL BOILER REPLACEMENT – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the two (2) bids received and stated staff recommends awarding to the low bidder, American Mechanical Services, in the amount of \$124,760.00.. Commissioner Freeman moved to approve said low bid. The motion was seconded by Commissioner Cozad, and it carried unanimously.

NEW BUSINESS:

 1) CONSIDER CONTRACT ID #1809 AMENDMENT #3 TO SUBCONTRACT AGREEMENT FOR ASSESSMENT PROCESS AND AUTHORIZE CHAIR TO SIGN – TRUVEN HEALTH ANALYTICS, LLC: Judy Griego, Director of the Department of Human Services, presented the amendment to allow the Area Agency on Aging options for the Long-Term Care program to continue testing a new assessment tool and receive reimbursement for follow-up work on previously completed assessments with Long-Term Care clients. She stated the total amount of reimbursement will be \$18,000.00. Commissioner Cozad moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 2) CONSIDER LEASE AGREEMENT FOR PATIO SPACE (822 8TH STREET) AND AUTHORIZE CHAIR TO SIGN – BRIX BREWERY, LLC: Toby Taylor, Director of the Department of Buildings and Grounds, presented the terms for the lease agreement effective June 1, 2018, to September 30, 2018, for use of a sidewalk patio area. In response to Commissioner Freeman, Mr. Taylor stated the lease is for a year. Commissioner Cozad moved to approve said lease agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously. Chair Moreno thanked Mr. Taylor for his leadership for the successful Vietnam Veterans pinning ceremony and stated he enjoyed the venue. Commissioners Freeman and Cozad also thanked Mr. Taylor.

 3) CONSIDER CONTRACT ID #1839 UTILITY RELOCATION AGREEMENT FOR CR 105 WIDENING PROJECT AND AUTHORIZE CHAIR TO SIGN – MORGAN COUNTY RURAL ELECTRIC ASSOCIATION: Cameron Parrott, Department of Public Works, presented the standard utility agreement with Morgan County Rural Electric. In response to Commissioner Freeman, Mr. Parrott stated the CR 105 project will be completed this year. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. 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 9:10 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

EXCUSED

Barbara Kirkmeyer, Pro-Tem

EXCUSED

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

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


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, June 11, 2018, at the hour of 9:00 a.m.

 **ROLL CALL:** The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:


Commissioner Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem - EXCUSED
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 Freeman moved to approve the minutes of the Board of County Commissioners meeting of June 4, 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 Freeman seconded the motion, and it carried unanimously.

 **PUBLIC INPUT:** Pam Shaddock, representative of the Board of Directors with Envision, explained their work with developmentally disabled individuals, and introduced Dana Jones, Board member of Envision and employee of Aims Community College, advised Weld County's support is essential and commended the Board for their investment of \$38,225.00, in Envision programs. She stated she looks forward to working with the County Commissioners. Lesley Brooks, Family Physician and member of the Board of Directors for Envision, stated they serve a vulnerable population and mentioned the important changes coming through the State and Federal Government, regarding case management, and stated they will need to redesign their essential business plan. Ms. Shaddock stated they are changing the way they do business, because the State requests they operate conflict-free. She extended an invitation to the Commissioners to serve on the Board, and submitted a list of events as Exhibit A. Chair Moreno thanked the representation of the Board of Envision for coming to the meeting. Each Commissioner thanked them for serving citizens in the community and for volunteering their time and assured them the Board will continue to have a partnership with Envision, as their services are valuable to Weld County residents.


 Bill Gillard, resident of Johnstown, addressed a recent article in the Tribune and expressed his frustration regarding the spending of taxpayers' money for the recent COG training in Breckenridge and the number of hours the County Attorney has devoted to the in-house fighting.


BIDS:


 1) PRESENT BID #B1800079, GIS PARCEL FABRIC DATA CONVERSION SERVICES – DEPARTMENT OF INFORMATION TECHNOLOGY: Jacob Mundt, Department of Information Technology, presented the four (4) bids received and stated staff will bring back a recommendation on June 25, 2018.


 2) PRESENT BID #B1800101, GUARDRAIL, BRIDGE RAIL, AND CABLE REPAIR SERVICES – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, presented the sole bid and stated staff will review and bring back a recommendation on June 25, 2018. Jay McDonald, Director of the Department of Public Works, stated they will investigate why only one bid was received and present the results to the Board.


NEW BUSINESS:


 1) CONSIDER CONTRACT ID #1865 AMENDMENT #4 TO INTERGOVERNMENTAL AGREEMENT FOR COUNTY INCENTIVES PROGRAM AND AUTHORIZE CHAIR TO SIGN: Judy Griego, Director of the Department of Human Services, presented the amendment to the original agreement with the Colorado Department of Health Care Policy and Financing for the County Incentives Program. She stated Weld County is eligible for an additional \$69,302.90, if other counties do not meet their performance measurements. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 2) CONSIDER CONTRACT ID #1878 TASK ORDER CONTRACT FOR AMENDMENT 35 TOBACCO USE PREVENTION AND CESSATION EDUCATION AND AUTHORIZE CHAIR TO SIGN: Mark Wallace, Director of the Department of Public Health and Environment, presented the continuation contract for tobacco use prevention and cessation in the amount of \$318,903.00 to be used to fund more education and cessation activities. In response to Commissioner Conway, Dr. Wallace stated vaping is the next challenge, because its use is increasing in the youth population. Commissioner Cozad moved to approve said task order contract and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 3) CONSIDER CONTRACT ID #1879 TASK ORDER AMENDMENT #1 FOR YOUTH SUBSTANCE ABUSE PREVENTION AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace reviewed the details of the amendment for youth substance abuse prevention, which is funded from monies received via marijuana tax revenues. Commissioner Conway moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.


 4) CONSIDER CONTRACT ID #1884 TASK ORDER FOR IMMUNIZATION CORE SERVICES AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace presented the terms of the task order contract to attempt to increase the rate of children who receive immunizations in Weld County. In response to Commissioner Conway, Dr. Wallace stated Weld County has moved above average for newborns being immunized. Commissioner Conway moved to approve said task order contract and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 5) CONSIDER CONTRACT ID #1885 TASK ORDER AMENDMENT #2 FOR RETAIL FOOD ESTABLISHMENT INSPECTION PROGRAM AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace reviewed the details of the amendment which allows the Department of Public Health and Environment to conduct regulatory inspections, initiate interventions and enforcement actions, review submitted plans, perform foodborne illness investigations, respond to complaints and comply with reporting requirements. Commissioners Conway and Cozad expressed their frustration with the length of time it is taking to complete the Communication Plan. Commissioner Cozad moved to approve said amendment #2 for the task order contract and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 6) CONSIDER CONTRACT ID #1886 TASK ORDER CONTRACT FOR TUBERCULOSIS PREVENTION AND CONTROL PROGRAM AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace reviewed the details of the task order contract to continue assisting in the prevention and controlling the spread of Tuberculosis in Weld County. Commissioner Freeman moved to approve said task order contract and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 7) CONSIDER CONTRACT ID #1887 TASK ORDER CONTRACT AMENDMENT #1 FOR LOCAL PLANNING AND SUPPORT AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace reviewed the annual task order for support of the Core Public Health services and stated the amount the County Health Department will receive is \$419,783.00. In response to Commissioner Conway, Dr. Wallace confirmed the contract does not reference additional Core services. Commissioner Conway moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 8) CONSIDER CONTRACT ID #1888 TASK ORDER CONTRACT AMENDMENT #7 FOR NURSE HOME VISITOR PROGRAM AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace presented the amendment to the agreement for nurses to provide home visits to low-income and first-time mothers residing in Weld County. Commissioner Conway moved to approve said amendment and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 9) CONSIDER CONTRACT ID #1894 TASK ORDER CONTRACT AMENDMENT #1 FOR AIR QUALITY CONTINUATION AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace presented the continuation contract to monitor the air quality, conduct inspections, provide guidance respond to complaints. Commissioner Conway moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 10) CONSIDER CONTRACT ID #1893 CONTRACT AMENDMENT #3 FOR HEALTHY COMMUNITIES PROGRAM AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace presented the details of the amendment to provide preventive community services to reduce the overall cost. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 11) CONSIDER GRANT AGREEMENT FOR JUVENILE DIVERSION PROGRAM AND AUTHORIZE CHAIR TO SIGN: Michael Rourke, District Attorney, stated this a continuation grant agreement with the Department of Public Safety, Division of Criminal Justice, which funds the Juvenile Diversion Program for a third year of a three-year grant cycle. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner


Cozad, carried unanimously. Commissioner Cozad expressed the importance of diverting juveniles early and getting them back on the right path.


 12) CONSIDER CONTRACT ID #1854 VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) GRANT CONTRACT FOR LAW ENFORCEMENT VICTIM ASSISTANCE PROGRAM AND AUTHORIZE CHAIR TO SIGN: Debbie Calvin, Sheriff's Office, reviewed the details of the Victim Assistance and Law Enforcement grant contract. Commissioner Cozad moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 13) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – TAGAWA GREENHOUSES, INC: Chris Woodruff, Assessor, presented the request for abatement or refund of taxes for tax years 2015 and 2016 for business personal property. He stated staff has been unable to obtain additional information from the representative to support the petitioned valuation. Mr. Woodruff reported the assessed values for 2015 and 2016 are correct. In response to Commissioner Cozad, Mr. Woodruff stated if the Board denies this petition, they will have the opportunity to appeal to the Board of Assessment Appeals, or take this matter directly to the District Court. There was not a representative for Tagawa Greenhouses, Inc., present. Commissioner Cozad moved to deny said petition for abatement or refund of taxes. Seconded by Commissioner Conway, the motion carried unanimously. As a side note, Mr. Woodruff reported the Assessor's Office has tracked over 300 protests and he expected a very small percentage will be heard by the Board of Equalization.


 14) CONSIDER AGREEMENT FOR TRANSFER OF ENTITLEMENTS OF GREELEY-WELD COUNTY AIRPORT TO WRAY MUNICIPAL AIRPORT AND AUTHORIZE CHAIR TO SIGN: Commissioner Freeman presented the agreement which will allow the transfer of Federal Funds from the Greeley-Weld County Airport to the Wray Municipal Airport. Commissioner Cozad stated Weld County has been a recipient in the past and the funds go to whomever can benefit the most. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 15) CONSIDER TEMPORARY CLOSURE OF CR 25 BETWEEN CRS 86 AND 88: Amy Joseph, Department of Public Works, presented the terms of the temporary closure effective June 12, 2018, through June 15, 2018, for a cattle guard installation. She stated staff will use water for dust abatement on the gravel parts of the detour route. Commissioner Cozad moved to approve said temporary closure. Seconded by Commissioner Conway, the motion carried unanimously.

 16) CONSIDER PERA 415 REPLACEMENT BENEFIT ARRANGEMENT AND AUTHORIZE CHAIR TO SIGN: Don Warden, Director of Finance and Administration, presented the replacement benefit arrangement and stated the Department of Public Health and Environment employees are PERA recipients and Weld County will pay the difference and then be reimbursed by PERA. Mr. Warden stated the County will have an employee who will be eligible to receive retirement benefits at age 50. Commissioner Conway moved to approve said PERA replacement benefit arrangement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.




 17) CONSIDER AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND ALLOCATION OF WELD COUNTY PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT: Mr. Warden stated every year Weld County receives allocation bonds for private activity bonds, which are tax exempt bonds to be issued for business or housing, and this year the allocation amount is \$7,307,003.00. He stated the funds will go to the Colorado Housing Finance Authority (CHAFA), which is requesting the entire amount be

earmarked for The Pine View Estate Senior Affordable Housing project, a rehabilitation project. In response to Commissioner Conway, Mr. Warden stated there are no other Weld County applicants who applied for the funds. Commissioner Cozad moved to approve and assign the allocation to the Colorado Housing and Finance Authority. The motion was seconded by Commissioner Conway, and it carried unanimously.



 18) CONSIDER RESCINDING DOCUMENT #2018-1277, DATED APRIL 23, 2018, CONCERNING SMALL TRACT OIL AND GAS LEASE – GRIZZLY PETROLEUM COMPANY, LLC: Esther Gesick, Clerk to the Board, stated there was an inadvertent duplication of a leasing request, and as such the second company which submitted the lease discovered the oversight. She stated they need to reimburse Grizzly Petroleum Company, LLC, to correct the error. Commissioner Freeman moved to rescind document #2018-1277, and issue a check for \$5,699.24. The motion was seconded by Commissioner Conway, and it carried unanimously.




 19) SECOND READING OF WELD COUNTY CODE ORDINANCE #2018-04, IN THE MATTER OF REPEALING AND REENACTING WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION (*PROBABLE CAUSE HEARINGS*), OF THE WELD COUNTY CODE: Commissioner Cozad moved to read Code Ordinance #2018-04 by title only. The motion was seconded by Commissioner Freeman, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Bob Choate, Assistant County Attorney, reviewed the two (2) minor changes made since the first reading. No public testimony was offered concerning this matter. The motion to approve on Second Reading, which was made by Commissioner Cozad, and seconded by Commissioner Conway, carried unanimously.

(HEALTH) NEW BUSINESS:

 1) CONSIDER SUSPENSION OF COLORADO RETAIL FOOD ESTABLISHMENT LICENSE – TAQUERIA LA SIERRA: Gabri Vergara, Department of Public Health and Environment, stated over the last twelve (12) months staff has completed ten (10) inspections and one (1) targeted training and during this time there have been many repeated violations which have resulted in the assessment of three (3) civil penalties. In response to Chair Moreno, Ms. Vergara stated the establishment has been operating for several years.  Dan Joseph, Department of Public Health and Environment, presented the background information and violations, which resulted in the assessment of three (3) civil penalties within a 12-month period. He displayed slides showing a summary of the violations and provided a brief overview of staff recommendations. In response to Commissioner Cozad, Mr. Joseph confirmed there were no reported illnesses, but staff works to avoid illnesses, because there can be long-term complications. Mr. Joseph explained there are 61 violations cited, 55 were critical violations and of those violations, 28 were foodborne illness risk factors. Mr. Joseph stated when fines are assessed, a percentage of the fines go back to the owner for the Targeted training. He stated there has not been communication concerns when speaking with the owner of Taqueria La Sierra. Mr. Joseph explained the process of targeted training and the assistance given to facilities by implementing new types of inspections. The targeted inspection is an hour-long education only. In response to Commissioner Conway, Mr. Joseph explained there were seven (7) critical violations noted at the March, 2017, inspection. He stated 50 percent of the two (2) assessed fines were given to the Facility to be used to purchase a new refrigerator unit, address the other critical violations, and put the remaining amount toward training. Mr. Joseph stated it will take approximately two to three days to contract a consultant for their facility.  Mr. Joseph stated there needs to be a contract with an approved Food Safety Consultant, who will provide on-site training and do one inspection while the food service operations are occurring, additionally they need to have the current management of the restaurant attend an accredited food safety class to become a Food Protection Manager; which is a new requirement in 2019. He stated staff will require the restaurant to limit food operations to for food cooling, and have them cook fresh until there is better control over the other operations. He suggested the Retail Food License be suspended

until the consultant can be hired and provide training, and allow the \$250.00 civil penalty assessment to be used for compliance. In response to Commissioner Conway, Mr. Joseph explained the requirements for substantial compliance. Mr. Joseph stated the suspension should be only two to three days and he confirmed he will provide a list of consultants.

 Clemene Flores, owner of Taqueria La Sierra, and the interpreter for Mr. Flores, is Isabella Vasquez, Department of Public Health and Environment, were present. Mr. Flores reported he has replaced the broken refrigerator and is interested in the training. He stated when an inspector visits the establishment and finds a problem, he and his employees discuss finding a solution. He stated the last thing they need is to obtain a certificate for their employees and they have registered for Safety classes in Spanish. In response to Chair Moreno, Mr. Flores stated he and all his employees only speak Spanish. In response to Commissioner Cozad, Mr. Flores stated he is aware that it is his responsibility to know and follow the rules and regulations. Commissioner Conway stated foodborne illness is very dangerous to the public and confirmed with Mr. Joseph the refrigerator which wasn't working has been replaced and that they have the appropriate refrigeration to keep the food cold. Mr. Joseph stated when the recent inspection was completed, the refrigeration was available, but foods are not being stored properly and are being left out. Mr. Joseph stated he believes they should be able to get a consultant to the restaurant and have employees trained within a week.  Mr. Flores requested to have the training without closing the location. Mr. Joseph explained staff's recommendation would be to have the restaurant closed during the training, so there are no distractions.

 Commissioner Cozad stated the owner of Taqueria La Sierra needs to receive adequate training to get into compliance, because the Commissioners must ensure the safety of the public when they are eating at a restaurant. Mr. Joseph stated if the owner hires the consultant, and the employees are trained, the restaurant could reopen by this weekend. Commissioner Freeman agrees that the training should take place with the owner not having the distraction of operating the business. Commissioner Conway concurred and stated he supports staff's recommendation for the training, because they want to work with the restaurant owner to ensure the business is operating properly. Commissioner Cozad moved to approve said suspension, including the list of staff's of recommendations. The motion was seconded by Commissioner Conway.  Commissioner Cozad stated the findings presented in the report show the establishment is in violation of State regulations. Commissioner Conway concurred that the suspension is warranted, because of the public health and safety concerns. In response to Mr. Barker, Mr. Joseph explained, per State Statute, the license can be suspended no longer than a month. He further stated, if the owner hires the consultant and passes the next two (2) inspections, staff will not have to bring this matter in front of the Commissioners. Commissioner Cozad clarified the suspension will continue for a month or until the list from the Department of Public Health and Environment is satisfied. Mr. Joseph stated the limitation of certain foods can go longer than the suspension, but the Department of Public Health and Environment will make the decision when to let the restaurant operate without the limitations. There being no further discussion, the motion carried unanimously.  Commissioner Conway addressed the owner and implored that he get a consultant and follow through with the suggestions from staff.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Ordinance 2018-04 was approved on second reading.

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

There being no further business, this meeting was adjourned at 11:06 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

EXCUSED

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 JUNE 13, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, June 13, 2018, at the hour of 9:00 a.m.

 **ROLL CALL:** The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:


Commissioner Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem - EXCUSED
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 Freeman moved to approve the minutes of the Board of County Commissioners meeting of June 11, 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 Freeman seconded the motion, and it carried unanimously.


PROCLAMATIONS:


 1) **WORLD ELDER ABUSE AWARENESS DAY – JUNE 15, 2018:** Chair Moreno read the proclamation for the record, recognizing June 15, 2018, as World Elder Abuse Awareness Day. Jamie Ulrich, Deputy Director of the Department of Human Services, thanked the Board for acknowledging at-risk adults who represent some of the most vulnerable people in Weld County. She also thanked staff for their hard work and dedication to the elder community and working to prevent elder abuse. Each Commissioner thanked staff for protecting the older adult population in Weld County and bringing awareness to help prevent abuse and financial exploitation. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


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

BIDS:


 1) APPROVE BID #B1800070, SLURRY SEAL AND SAND SEAL – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the two (2) bids received and stated staff recommends awarding to low bidder, A-1 Chipseal and Rocky Mountain Pavement, for the total amount of \$944,065.50. Commissioner Freeman moved to approve said low bid as recommended by staff. Seconded by Commissioner Cozad, the motion carried unanimously.


 2) APPROVE BID #B1800109, CRACK FILLER MATERIAL SUPPLY – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff recommends awarding to the low bidder, Crafc0, Inc., for the total amount of \$49,188.00. Commissioner Cozad moved to approve said low bid. Seconded by Commissioner Freeman, the motion carried unanimously.


 3) APPROVE BID #B1800110, GRADER BLADES – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the seven (7) bids received and stated staff recommends awarding to the low bidder, Wear Parts and Equipment Co., Inc., for the amount of \$150,240.00. Commissioner Freeman moved to approve said low bid. Seconded by Commissioner Cozad, the motion carried unanimously.

 4) APPROVE BID #B1800108, SOUTH COUNTY LAWN MAINTENANCE – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the two (2) bids received and stated staff recommends awarding to the low bidder, Panorama Coordinated Services, Inc., for the amount of \$13,765.00. Commissioner Cozad moved to approve said low bid. The motion, which was seconded by Commissioner Freeman, carried unanimously.

NEW BUSINESS:


 1) CONSIDER CONTRACT ID #1823 AMENDMENT TO MEMORANDUM OF UNDERSTANDING FOR JOBS FOR VETERANS STATE GRANT PROGRAM AND AUTHORIZE CHAIR TO SIGN: Judy Griego, Director of the Department of Human Services, reviewed the terms of the amendment to the memorandum of understanding for the Jobs for Veterans State Grant Program, which is being amended to increase funding to cover the additional overhead and operational costs associated with two (2) additional staff members. Commissioner Cozad moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously. Commissioner Cozad stated this is part of the requirements of WIOA and the program is important to the Veterans in the community.


 2) CONSIDER CONTRACT ID # 1755 AGREEMENT FOR CHILD PROTECTION SERVICES AND AUTHORIZE CHAIR TO SIGN – FIELD OF OPPORTUNITY COUNSELING: Ms. Griego presented the details of the agreement for Field of Opportunity Counseling to provide offense-specific treatment services for juvenile offenders and their families. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.


 3) CONSIDER CONTRACT ID #1786 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – MICHAEL AND SARA MATZKE: Ms. Griego presented the agreement for Michael and Sara Matzke to provide respite care services for Weld County foster parents. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.


 4) CONSIDER CONTRACT ID #1785 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – JACOB AND KATI VILLA: Ms. Griego presented the agreement for Jacob and Kati


Villa to provide respite care services. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 5) CONSIDER CONTRACT ID #1769 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JACOB AND KATI VILLA: Ms. Griego reviewed the terms of the agreement for Jacob and Kati Villa to become a certified Foster Care Home providers with the daily rate, based on the needs of the children. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 6) CONSIDER CONTRACT ID #1745 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ALISYN AND MICHAEL GILLETTE: Ms. Griego reviewed the terms for Alisyn and Michael Gillette to become certified Foster Care Home providers in California. In response to Commissioner Cozad, Ms. Griego stated it is Kinship-related child care and staff is working with the out-of-state family member. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 7) CONSIDER CONTRACT ID #1746 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – RACHEL WINTERFELD: Ms. Griego presented the details of the agreement for Rachel Winterfeld to become a certified Foster Care Home Service provider. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 8) CONSIDER CONTRACT ID #1770 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JOSHUAH AND TESSA ERICKSON: Ms. Griego presented the terms for Joshuah and Tessa to become a certified Foster Care Home providers. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 9) CONSIDER CONTRACT ID #1793 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – KRISTEN WHITE: Ms. Griego reviewed the terms for Kirsten White to become a certified Foster Care Home provider. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 10) CONSIDER CONTRACT ID #1794 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – CHRISTOPHER SHENK AND XIOMA DIAZ: Ms. Griego presented the terms of the agreement for Christopher Shenk and Xioma Diaz to become certified Foster Care Home providers. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 11) CONSIDER CONTRACT ID #1795 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – CHRISTOPHER AND LISA CALLAWAY: Ms. Griego presented the details for a certified Foster Care Home. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 12) CONSIDER CONTRACT ID #1803 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – RUSSELL AND COLLEEN SCHUMAKER: Ms. Griego reviewed the terms of the agreement for a certified Foster Care Home. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously. Commissioner Cozad stated there has been a concerted effort to recruit more Foster Care Home and Respite Care providers, because there is a shortage, and she thanked staff and everyone involved with this effort.

 13) CONSIDER 2018 APPLICATION FOR INTERNET CRIMES AGAINST CHILDREN (ICAC) TASK FORCE GRANT AND AUTHORIZE CHAIR TO SIGN – CITY OF COLORADO SPRINGS POLICE DEPARTMENT: Ron Arndt, Director of the Regional Crime Lab, presented the application to the Colorado Springs Police Department to allow the Crime Lab replace the Cellebrite machine and pay for the service plan. Commissioner Freeman moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 14) CONSIDER TEMPORARY ASSEMBLY PERMIT – ROCKY MOUNTAIN CIDER COMPANY, DBA WILD CIDER: Frank Haug, Assistant County Attorney, presented the application for the temporary assembly permit. Mr. Haug stated in the Code there is a requirement for two (2) EMT personnel, but the medical service is close to where the event will be held. Adam Grove, representative for Rocky Mountain Cider Company, requested the required EMT personnel not be on-site during the event, because they are close to the Mountain View Fire Protection District station and will have a trained EMT at the event. Commissioner Freeman agreed they don't need an ambulance on-site. Commissioner Cozad moved to approve said application. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 15) CONSIDER SUPPORTING A PETITION TO RE-ESTABLISH THE BOARD FOR HIGH PLAINS HOUSING DEVELOPMENT CORPORATION AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS: Don Warden, Director of Finance and Administration, presented the petition from High Plains Housing Development Corporation to reconstitute the Board for some projects coming up in Greeley and they will petition the court to reestablish and appoint a new Board. In response to Commissioner Cozad, Mr. Warden stated Tom Teixeira, Executive Director of the Greeley Housing Authority, will represent the City of Greeley and Weld County. Mr. Warden stated Mike Geile, former County Commissioner, was on the Board after it was first created. Commissioner Cozad moved to support said petition and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 16) CONSIDER CANCELLATION OF CERTAIN OUTSTANDING ACCOUNTS RECEIVABLE FOR THE WELD COUNTY TREASURER – PERSONAL PROPERTY, MOBILE HOMES, NATURAL RESOURCES AND POSSESSORY INTEREST TAXES: Renee Fielder, Weld County Treasurer's Office, presented the write-off list for 2018, and stated the accounts are for equipment which is gone, three mobile homes which were destroyed, and there are a couple of natural resource accounts, which are producing oil and gas, but can no longer be taxed under the natural resource tax. She stated the list of uncollectable personal property taxes for the year total \$96,642.38. Commissioner Freeman moved to approve said cancellation of certain outstanding accounts receivable. Seconded by Commissioner Cozad, the motion carried unanimously.

 17) CONSIDER APPOINTMENT OF ATTORNEY JED SCOTT, AS SPECIAL COUNSEL TO PROVIDE LEGAL ADVICE TO AND REPRESENTATION OF WELD COUNTY CLERK AND RECORDER REGARDING RECALL AFFIDAVIT, PROCESS AND PROCEDURES AND AUTHORIZE

CHAIR TO SIGN LETTER OF ENGAGEMENT: Bruce Barker, County Attorney, stated the Charter allows the Board to seek special legal counsel advice during the recall process of an elected official. Mr. Scott will represent and provide legal advice to Carly Koppes, Weld County Clerk and Recorder. In response to Chair Moreno, Mr. Barker clarified the request came from the Clerk and Recorder, but he also recommends this because of the inherent conflict of interest. Commissioner Cozad moved to approve said appointment of Attorney Jed Scott and authorize the Chair to sign the Letter of Engagement. The motion was seconded by Commissioner Freeman, and it carried unanimously. *(Clerk's Note: The Letter of Engagement was not signed or returned.)*

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

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

There being no further business, this meeting was adjourned at 9:38 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

EXCUSED

Barbara Kirkmeyer, Pro-Tem

EXCUSED

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

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


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, June 18, 2018, at the hour of 9:00 a.m.


 **ROLL CALL:** The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:

Commissioner Steve Moreno, Chair
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 Freeman moved to approve the minutes of the Board of County Commissioners meeting of June 13, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Cozad moved to approve the Certification of Hearings conducted on June 13, 2018, as follows: 1) USR18-0015 – Sean and Annette Jaehn, 2) USR18-0026 – DCP Operating Company, LP, and 3) USR18-0027 – DCP Operating Company, 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.


PROCLAMATIONS:

 1) UNIVERSITY BULLDOGS DAY – JUNE 18, 2018: Chair Moreno read the certificate recognizing the first State baseball championship for University High School. Ryan Wehrman, Athletic Director, stated the average G.P.A., for the team is 3.5, so the boys are well-rounded individuals. Casey Miller, Head Baseball Coach, expressed his appreciation of the boys' hard work, their dedication and the sacrifice of time away from their families. Grayson Swanson, Senior, stated he is extremely proud of the hard work and leadership of the baseball team. He stated the win at the championship game was a testament to their hard work and it is the first State championship win since 1997, for University High


School. Commissioner Kirkmeyer recognized the parents for their dedication and support of the University High School Baseball Team. Each Commissioner expressed their pride in the team for their leadership and hard work on and off the field. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

PRESENTATIONS:


 1) PRESENTATION OF THE FAIR BOOK BY WELD COUNTY FAIR ROYALTY: Madison LaBorde, Camy Seelhoff, and Molly Koslosky, Weld County Fair Royalty, presented the calendar of Fair events and shows. They announced this will be the 100th year celebration of the Weld County Fair. Each of the Commissioners thanked the Fair Royalty for their outstanding representation of Weld County and expressed their appreciation for their leadership. They also extended their appreciation to Pat Kindvall for her many years of volunteering her time to mentor and support the Fair Royalty. *(Clerk's Note: The meeting was paused for a photo opportunity.)*


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


BIDS:

 1) PRESENT BID #B1800125, OEM PREPAREDNESS GUIDE II (ENGLISH AND SPANISH) – OFFICE OF EMERGENCY MANAGEMENT: Rob Turf, Department of Purchasing, reviewed the three (3) bids received and stated staff will bring back a recommendation on July 2, 2018.



NEW BUSINESS:


 1) CONSIDER CONTRACT FOR VICTIM WITNESS ASSISTANCE UNIT FUNDING AND AUTHORIZE CHAIR TO SIGN – VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) BOARD: Joann Holden, District Attorney's Office, reviewed the terms of the contract which will provide 11.4% of the salaries and benefits for the Victim Witness Unit program. Commissioner Conway moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.



 2) CONSIDER CONTRACT ID #1905 TASK ORDER CONTRACT AMENDMENT #2 FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE CONTINUATION CONTRACT AND AUTHORIZE CHAIR TO SIGN: Dr. Mark Wallace, Director of the Department of Public Health and Environment, presented the details of the task order contract amendment. He stated this is to support emergency response to protect the residents of Weld County against pandemics and to control the spread of communicable diseases. Commissioner Cozad moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously. In response to Commissioner Conway, Dr. Wallace explained the human contact with rabies occurred in Weld County and the Department of Public Health and Environment will notify others about the risk and the importance of vaccinating small pets.


 3) CONSIDER DONATION FOR MISSILE SITE CONCRETE PROJECT, APPROVE AGREEMENT FOR CONSTRUCTION SERVICES AND AUTHORIZE CHAIR TO SIGN - INTERSTATE HIGHWAY CONSTRUCTION, INC.: Toby Taylor, Director of the Department of Buildings and Grounds, stated Interstate Highway Construction, In., (IHC) has volunteered the labor and materials for the project. Elizabeth Relford, Department of Public Works, explained IHC was looking for a community service project and asked to donate to the Missile Site. Commissioner Conway moved to approve said agreement for donation of construction services and authorize the Chair to sign, which was seconded by Commissioner Freeman. Both Commissioner Cozad and Commissioner Kirkmeyer stated they are not in support of the motion since it may be considered a conflict of interest. Chair Moreno stated the donation


amount of the project is \$50,000.00. After further discussion and upon a roll call vote, the motion was unanimously rejected and the motion failed.


 4) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NO. R0840701 – BANK MIDWEST, N.A., COMMUNITY BANKS OF COLORADO, A DIVISION OF NBH BANK, N.A.: Brenda Dones, Deputy Assessor, presented the petition for abatement or refund of taxes and stated the next three (3) items are bank properties. She stated staff adjusted the value to 50% owner occupied and 50% leased office. She explained staff used the market and income approaches when assessing the property. Ms. Dones stated she has adjusted the value to \$135.00 a square foot and is recommending a partial adjustment to \$1,346,895.00 for tax years 2015 and 2016. Darla Jaramillo, representative of Bank Midwest, N.A., Community Banks of Colorado, A Division of NBH Bank, N.A., stated it was 100% owner occupied, but the owner recently vacated 49% of the building. They had two (2) leases, executed March 2014, for 941 square feet, at \$12.00 a square foot, and June, 2014, for 1,318 square-feet at \$14.00 a square foot. She further explained how the property is larger than the typical bank, or office space, so it presents as a higher risk. She stated because of this, it was capped at 9.5%. Ms. Jaramillo explained how they used the Income Approach to reach the value of \$964,000.00 which they requested. Ms. Dones explained how the lease rate is utilized and stated there are bank leases which range from \$16.67 to \$20.00 a square foot and that is how the Assessor's Office discovered the lease rate of \$14.85. Ms. Jaramillo rebutted the information presented by the County Assessor's Office and reviewed the comparable she used to come up with the value amount.  Ms. Dones stated the date range goes back to 2009, the leases were in place when the data was collected and she feels confident in the values. She further explained there may be a misunderstanding of interpretation of the statute and she has come up with \$135.00 per square foot. Commissioner Kirkmeyer moved to approve partial abatement for tax years 2015 and 2016 as presented the Assessor's Office. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Conway thanked the Assessor's Office for their hard work and research on this matter.

 5) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NO. R2941304 – WELD COUNTY BANK, COMMUNITY BANKS OF COLORADO, A DIVISION OF NBH BANK, N.A.: Ms. Dones presented the petition for abatement or refund of taxes for tax years 2015 and 2016. She stated staff can go back to 2009 to gather relevant data. Ms. Dones stated this building is used as a combination of a bank, an office, medical office and a restaurant. She explained they used the Market Approach and Income Approach and have adjusted the value for location and recommended the Board sustain the value at \$2,921,100.00. Ms. Jaramillo presented the reasons she disagrees with staff using the Market Approach and explained the Income Approach is the most reliable basis for valuing this property. She stated there is a disagreement on what constitutes a long-term lease. In response to Commissioner Cozad, Ms. Dones explained the rental rates and expenses of relocating the bank. She stated the bank lease rate is higher than office space. Wade Meiles, Assessor's Office, explained how he determined the Market Purchase Price. In response to Commissioner Cozad, Mr. Meiles stated the building is unique and was built with the current facilities, which was considered while doing his analysis.


 Ms. Jaramillo stated banks are going through a transition in their real estate outlook, and they don't require the space they have in the past and believes the statement of a bank selling to another bank is erroneous.  In response to Commissioner Kirkmeyer, Ms. Jaramillo stated the value for leasing dental office space is about \$12.00 per square foot. Mr. Melies stated the values for the dental office space are from Comfort Dental. Commissioner Cozad moved to approve the recommendation by staff and sustain the value for tax years 2015 and 2016. Seconded by Commissioner Freeman, the motion carried unanimously. Commissioner Cozad agreed with the Assessor's recommendation from the information presented.


 6) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NO. R1358002 – BANK MIDWEST, N.A., COMMUNITY BANKS OF COLORADO, A DIVISION OF NBH BANK N.A: Ms. Dones presented the adjustments using the Income and Market approaches and recommended sustaining the value at \$1,400,120.00, for tax years 2015 and 2016. Ms. Jaramillo stated during the study period this building is owner occupied. Commissioner Freeman moved to sustain the value as recommended by the Assessor’s Office. The motion was seconded by Commissioner Conway, and it carried unanimously.

 7) CONSIDER APPOINTMENT OF ATTORNEY SCOTT GESSLER AS SPECIAL COUNSEL TO PROVIDE LEGAL ADVICE TO AND REPRESENTATION OF THE WELD COUNTY CLERK AND RECORDER REGARDING RECALL AFFIDAVIT, PROCESS AND PROCEDURES AND AUTHORIZE CHAIR TO SIGN LETTER OF ENGAGEMENT: Commissioner Kirkmeyer recused herself from the vote. Bruce Barker, County Attorney, stated Jed Scott has not signed the Letter of Engagement so the Board will appoint Scott Gessler, as Special Council to provide legal advice to Karly Koppes, Clerk and Recorder. Rudy Santos, Clerk and Recorder’s Office, stated during a recall election process they don’t want to make mistakes. Mr. Barker explained Mr. Gessler will not bill for any work done prior to today. Furthermore, when a Commissioner is being recalled it creates a conflict of interest for the County Attorney and this is the reason for hiring outside legal counsel. Commissioner Freeman moved to approve said appointment of Scott Gessler and authorize the Chair to sign the Letter of Engagement. The motion, which was seconded by Commissioner Cozad, carried unanimously.

 (Clerk’s Note: The meeting was recessed at 10:35 a.m. and reconvened at 10:40 a.m.)

PLANNING:

 1) CONSIDER RECORDED EXEMPTION, RECX18-0043 – THEA HORA: Angela Snyder, Department of Planning Services, presented the request for a two (2) lot Recorded Exemption, which has been split four (4) times previously. She displayed slides and photos detailing the property and gave a brief presentation.

 Thea Hora, resident of Kersey, stated she has owned the property for eighteen years and part of her retirement plan was to sell off the north side of the property and build a home that is handicap accessible. Ms. Hora explained the home has been a rental until recently, and she now has a buyer for her house, so she can build a ranch style home on the new lot. She will need to sell off the other home to meet her future plans. Commissioner Cozad confirmed that Ms. Hora will be able to get a new cap for a well. Ms. Hora pointed to the locations of the accesses and stated currently there are two (2) accesses. Ms. Hora stated she would be willing to share an access with Lot B. Commissioner Conway moved to approve said Recorded Exemption, due to extenuating circumstances. The motion was seconded by Commissioner Freeman, and it carried unanimously. Commissioner Cozad elaborated the extenuating circumstance is to have a retirement home that is handicap accessible. Commissioner Kirkmeyer stated she will support the motion, but the original intent of the Code was to assist the farm family to sell the portion of their land, that they can no longer access to farm. She doesn’t agree with the applicant that not being aware of the Code change is an extenuating circumstance and stated the Board wants to encourage harmonious growth.

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 10:55 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 JUNE 20, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, June 20, 2018, at the hour of 9:00 a.m.


 **ROLL CALL:** The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:

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


Also present:

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 June 18, 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 June 18, 2018, as follows: 1) PCSC18-0011 – Gabriel and Velia Robles. Commissioner Conway seconded the motion, which carried unanimously.


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

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


PROCLAMATIONS:


 1) WINDSOR WIZARDS DAY – JUNE 20, 2018: Chair Moreno read the certificate for the record recognizing the Windsor Wizards Boys Swimming and Diving Team. Trevor Timmons, Windsor High School Coach, stated he is proud of the team for their amazing efforts and leadership skills. Each Commissioner congratulated the team for winning the title of Class 4A State Champion on May 18 and 19, 2018, at the Air Force Academy. They stated they are role models for their peers and the residents of Weld County. Commissioner Kirkmeyer congratulated Coach Timmons for being named Class 4A Swimming and Diving Coach of the Year, by the Colorado High School Swim Coaches Association and she also thanked the parents for raising leaders and supporting the boys during their season. She stated


the Boys Diving and Swim Team are the face of Weld County. Each one of the boys listed the events they competed in at the State Championship. *(Clerk's Note: The meeting was paused for a photo opportunity.)*


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, expressed his frustration regarding a recent article in the Tribune about the Commissioners using taxpayers' money for mileage reimbursement. Commissioner Conway presented a press release, as Exhibit A, regarding S & P Upgrades Rating of E-470 Toll Revenue Bonds, stating the outlook is stable at an A rating.


BUSINESS:

 1) CONSIDER REVISIONS TO OPERATIONS MANUAL, SECTION 6.000, CHILD CARE POLICY: Judy Griego, Director of the Department of Human Services, reviewed the details of the revisions to the Operations Manual, Section 6.000, for Child Care Rates and Policies, which will take effect immediately. She stated the major change is the early income eligibility limit increase to 185% of Federal Poverty Level for individuals seeking child care. Commissioner Conway moved to approve said revisions to operations manual. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 2) CONSIDER FOUR (4) STANDARD FORMS OF AGREEMENTS FOR VARIOUS OUT-OF-HOME PLACEMENT SERVICES, COST OF LIVING RATE INCREASE AND OUT-OF-HOME PROVIDER LIST AND AUTHORIZE CHAIR TO SIGN AGREEMENTS CONSISTENT WITH SAID FORMS: Ms. Griego reviewed the updated forms for out-of-home placement services. She stated the templates will be used for the next fiscal year and include the approved 1% cost of living adjustment. Commissioner Freeman moved to approve four (4) standard forms and authorize the Chair to sign agreements consistent with said forms. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 3) CONSIDER ACCEPTANCE OF REVISIONS TO SINGLE ENTRY POINT CONTRACT FOR LONG-TERM CARE SERVICES AND AUTHORIZE CHAIR TO SIGN: Ms. Griego presented a revision made by the Colorado Department of Human Service, to remove the Statement of Work, Exhibit B, from the previously approved contract. Commissioner Kirkmeyer thanked Ms. Griego for acknowledging the Department of Information of Technology and the legal staff's support of the State's revision. Commissioner Cozad moved to approve and accept said revisions and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.


 4) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R7130298 (TAX YEAR 2016) – MORALES, LEWIS D., LLC: Chris Woodruff, Weld County Assessor, stated the next two (2) petitions for abatements are similar. He stated it is a 25,000-square foot hotel, located in Evans, Colorado, known as the Select Stay Hotel. He explained there is housing shortage in Weld County, and because of this, hotels and motels can have a portion of their property classified as residential. Mr. Woodruff stated the property owner submitted documentation showing the number of long-term residents, who rent a room for 30 consecutive days. He stated for tax year 2016, 39% of the building should be classified as residential, so staff is asking for a change of the assessed value. He presented the new assessed value in the amount of \$507,80.00, which results in a tax refund for year 2016 of \$17,367.98. In response to Commissioner Conway, Mr. Woodruff stated the petitioner agreed with the adjusted amount. Commissioner Kirkmeyer moved to approve the petition for abatement or refund of taxes. The motion, which was seconded by Commissioner Conway, carried unanimously.

 5) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R7130298 (TAX YEAR 2017) – MORALES, LEWIS D., LLC: Mr. Woodruff stated this the same property

description as previously presented. In 2017, they had 22% of the building, which qualified as Residential due to long-term renters. He stated the new assessed value is \$731,690.00, which results in a tax refund for year 2017, of \$13,911.37. Commissioner Conway moved to approve the petition for abatement or refund of taxes. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 6) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R4571806 – LITTLE MIGHT, LLLP, C/O ARTHUR R. STAPP LONGMONT TOYOTA: Mr. Woodruff reviewed the specification of the property located on the I-25 Interstate Frontage Road and explained a portion of the second floor was left unfinished for future expansion. He stated this is a request for tax years 2015 and 2016. He stated the cost approach, market, and income approach were used to assess the value. He stated based on the indicators of value, he recommends sustaining the value of \$6,654,541.00. No public testimony was offered concerning this matter. Commissioner Cozad moved to sustain the value and deny the petition for abatement or refund of taxes for 2015 and 2016. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 7) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R3882186 – YOON J. LEE: Mr. Woodruff presented the petition for abatement or refund of taxes for 2017 for Americas Best Value Inn, located in Evans, Colorado, with 61% of the hotel considered long-term Residential. No public testimony was offered concerning this matter. In response to Commissioner Conway, Mr. Woodruff stated the property owner wanted some less than 30-day rentals to be considered as long-term; however, the law is specific to 30 consecutive days. He explained the petitioner has a right to appeal the decision made by the Board at the Board of Assessment Appeals. Commissioner Conway moved to approve said petition for abatement or refund of taxes in the amount of \$18,160.97 for the tax year 2017. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 8) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBERS R1105402, R6784572, R5372708, R6787537, AND R6787604 – PELICAN LAKES, LLC: Brenda Dones, Deputy Assessor, stated the petition for abatement is five (5) account numbers and is for tax years 2015 and 2016. She stated Pelican Lakes is comprised of two (2) golf courses, 11 buildings, a pool and is considered a semi-private golf course. Ms. Dones stated golf courses are unique and the valuation process is difficult. She reviewed the data collected when using the market and income approach and the data collected supports a market value of \$150,000.00 per hole. In response to Commissioner Conway, Ms. Dones stated they took into consideration the economic impacts of the golf course. She stated Pelican Lakes, Inc., net income is more stable than the other comparable used and stated the rounds of golf played were used to determine the value. Commissioner Freeman moved to sustain the Assessor's value of \$3,664,099.00 and deny said petition for abatement or refund of taxes. The motion was seconded by Commissioner Cozad, and it carried unanimously.

PLANNING:

 1) CONSIDER RESUBDIVISION, RES18-0001, TO DIVIDE LOT 1 OF UNION COLONY SUBDIVISION INTO TWO LOTS - BRADY RENTALS, LLC, C/O STEVE GORHAM: Diana Aungst, Department of Planning Services, presented the request for a resubdivision to divide Lot 1 of the Union Colony Subdivision. She explained on the smaller lot there will be a house and the other lot will be a business. She stated the majority of the parcel is vacant and the Utility Board recommends retaining the utility easements. Utility Board recommends keeping the utility easements. In response to Commissioner Cozad, Ms. Aungst stated the existing zoning for the lot is C-3 (Commercial) and when the Change of Zone is approved, the smaller lot will be zoned Residential.  Steve Gorham, property owner, stated the pallet business has grown and they need more space.

 Mary Lou Walton, adjacent neighbor, stated the neighbors would like clarification about the property and the business. She stated she wants to know about screening, hours of operations, appearance and dust abatement procedures. Commissioner Cozad stated the Board is considering the changing the zoning to Residential because it is zoned Commercial. She suggested the neighbors work with the property owner to get their questions answered. Commissioner Kirkmeyer suggested Mr. Gorham work with his neighbors and communicate with them about the future with the lot. Mr. Gorham stated he cares about the community, will work to be a good neighbor and address the neighbors' concerns. Commissioner Kirkmeyer moved to approve said Resubdivision. Seconded by Commissioner Freeman, the motion carried unanimously. Commissioner Kirkmeyer expressed her appreciation of the property owner being a good neighbor.

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 9:55 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 JUNE 25, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, June 25, 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 June 20, 2018, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on June 20, 2018, as follows: 1) USR18-0009 – Leslie Anne Windyka. Commissioner Freeman seconded the motion, which carried unanimously.


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


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


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

BIDS:

 1) APPROVE BID #B1800079, GIS PARCEL FABRIC DATA CONVERSION SERVICES – DEPARTMENT OF INFORMATION TECHNOLOGY: Jacob Mundt, Department of Information Technology, presented the four (4) bids received and stated staff recommends awarding to the low bidder, ProWest and Associates, Inc., for a total amount of \$37,313.22. Commissioner Cozad moved to approve low bid, which was seconded by Commissioner Conway, and the motion carried unanimously.


 2) APPROVE BID #B1800101, GUARDRAIL, BRIDGE RAIL AND CABLE REPAIR SERVICES (WITH OPTIONS FOR 2019 AND 2020) – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, explained calls were made to other vendors but the other suppliers could not accommodate the schedule, or it was outside of their scope. He stated staff recommends awarding to the sole bidder, Ideal Fencing Corporation, for the total amount of \$106,184.10. Jay McDonald, Director of Department of Public Works, stated the amount is within the budgeted amount. Commissioner Freeman moved to approve said sole bid. The motion was seconded by Commissioner Conway, and it carried unanimously.


 3) PRESENT BID #B1800045, 2018 BRIDGE REHABILITATIONS – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the six (6) bids and received and stated staff will bring back a recommendation on July 9, 2018.


 4) PRESENT BID #B1800100, GR 44 CR 49 ROADWAY WEATHER INFORMATION SYSTEM – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the four (4) bids received and stated staff will bring back a recommendation on July 9, 2018.


NEW BUSINESS:


 1) CONSIDER AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – AULT FIRE PROTECTION DISTRICT: Walt Leslie, Department of Public Safety Communications, presented the terms of the amendment for wireless radio services; including programming and maintenance of the radios. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign, which was seconded by Commissioner Kirkmeyer. Commissioner Freeman stated this agreement was approved at the Ault Fire Protection District Board meeting, and after further discussion the motion carried unanimously.


 2) CONSIDER RELEASE OF EASEMENT AND AUTHORIZE CHAIR TO SIGN – ATMOS ENERGY CORPORATION: Tiffane Johnson, Department of Public Works, reviewed the release of easement and stated this item and the next are related. She stated, in March, the Board approved two (2) easements to Atmos Energy Corporation to facilitate the construction of a natural gas pipeline for the new CNG upgrades; however, during construction it was discovered water tables were high in the area, so they relocated a portion of the pipeline. Commissioner Conway moved to approve said release of easement and authorize Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 3) CONSIDER PERMANENT EASEMENT FOR FUELING SITE UPGRADE AND AUTHORIZE CHAIR TO SIGN – ATMOS ENERGY CORPORATION: Ms. Johnson presented the agreement for the permanent easement which will replace the previous easement. Commissioner Freeman moved to approve the permanent easement, which was seconded by Commissioner Cozad, and the motion carried unanimously.

 4) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – 5 FLAT PRODUCTIONS, C/O GARY RODARMEL: Janet Konkel, Weld County Fair, presented the agreement for 5 Flat Productions, c/o Gary Rodarmel. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 5) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – BIG AIR JUMPERS: Ms. Konkel presented the agreement and stated Big Air Jumpers is a new vendor. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.


 6) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – CORVETTES WEST CARE CLUB CHAPTER: Ms. Konkel presented the terms for the agreement and stated this is the 31st Annual Car Show. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 7) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – LONGS PEAK ANTIQUE TRACTOR AND ENGINE ASSOCIATION: Ms. Konkel reviewed the terms for the agreement. Commissioner Freeman moved to approve said agreement and authorize Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 8) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – MINIATURE HORSE ASSOCIATION: Ms. Konkel presented the details for the agreement. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.

 9) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – MOUNTAIN SHADOWS CARRIAGES, C/O DARIN HENRY: Ms. Konkel presented the details for the agreement. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 10) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – NORTHERN COLORADO DRAFT HORSE ASSOCIATION: Ms. Konkel presented the agreement with Northern Colorado Draft Horse Association. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 11) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – RANCH SORTING NATIONAL CHAMPIONSHIP: Ms. Konkel presented the details of the agreement and stated the entity was recently purchased by Cinch. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 12) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – WELD COUNTY MEAT GOAT BREEDERS: Ms. Konkel presented the terms of the agreement. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 13) CONSIDER PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – YOUNG GUNS ENTERTAINMENT CORP: Ms. Konkel reviewed the terms of the agreement with Young Guns Entertainment Corporation. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously. Commissioner Conway thanked Ms. Konkel and the Fair Board for the hard work putting together the 100-year Fair Celebration.  Commissioner Cozad stated there are 400 young participants in Weld

County this week representing Youth for Christ and she wants there to be some attention given to the positive things that happen in Greeley.

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 9:27 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 JUNE 27, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, June 27, 2018, at the hour of 9:00 a.m.

 **ROLL CALL:** The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:


Commissioner Steve Moreno, Chair
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 Cozad moved to approve the minutes of the Board of County Commissioners meeting of June 25, 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 Freeman moved to approve the Consent Agenda as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.


PRESENTATIONS:

 1) RECOGNITION OF SERVICES, DEPARTMENT OF HUMAN SERVICES – JACQUELYN HIGINBOTHAM: Commissioner Moreno read the plaque into the record. Judy Griego, Director of the Department of Human Services, acknowledged Ms. Higinbotham's commitment to the Human Services Department. Jamie Ulrich, Department of Human Services, commented on Ms. Higinbotham's influence on streamlining the contract process. Ms. Higinbotham expressed gratitude for the experiences she gained throughout her employment with Weld County, and stated she was grateful for the opportunities of giving back to the local community. Commissioner Freeman encouraged her to enjoy her family and friends. Each Commissioner expressed appreciation for her dedication to the County, and commented on the difference she created within the community. *(Clerk's Note: Meeting was paused for a photo opportunity)*


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, invited the Board to a football game of the Northern Colorado Nightmare's, a local minor league team, and encouraged support for the football team. Each Commissioner expressed thanks for promoting Weld County and all mentioned making an effort to attend and support the team during the season.


 Steve Teets, resident of Greeley, spoke regarding the Medicaid rides and public transportation services available for citizens of Weld County to travel to and from medical appointments. He stated many citizens have expressed disappointment in the transportation services not running on time. He also inquired on progress related to Hill-N-Park. Commissioner Cozad recommended additional transportation services for Mr. Teets to look into, and she commented on the progress made in Hill-N-Park. She advised the current status of Hill-N-Park is on energy efficient upgrades (e.g. new roofs), and she advised of a group, Youth for Christ, who are targeting their summer nonprofit work for Hill-N-Park aesthetics (e.g. painting). Mr. Teets further spoke on the HWY 34 Express, stating the service is still one of great need. He suggested a solution of an RTA (Regional Transportation Authority), which will allow for travel further west of I-25. He inquired on the progress of the Charter Committee, and the Board advised that the committee will meet tonight at 6:30p.m., and further advised a report will be presented by July 23, 2018, to the Board of County Commissioners.


BIDS:

 1) PRESENT BID #B1800123, SOUTHWEST SERVICE CENTER CONTROLS REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, stated staff received one (1) bid, and will review and bring back a recommendation on July 11, 2018.


NEW BUSINESS:


 1) CONSIDER ATTESTATION STATEMENT FOR ACCEPTANCE OF CHILD WELFARE ALLOCATION AWARD AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich stated the funds are in addition to the Child Welfare Block funding and will allow a total of 5.75 FTE, new hires for the Child Welfare Division, in the amount of \$388,339.00. Ms. Ulrich stated the funds would be used to hire a Child Welfare Deputy Division Head, a Child Welfare Permanency Caseworker, and a Child Welfare Foster Care Coordinator. Commissioner Kirkmeyer thanked the Department of Human Services for their commitment to ensuring a proper allocation of funds for the services needed by the youth of Weld County. Commissioner Kirkmeyer moved to approve said acceptance of allocation award and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 2) CONSIDER TRANSFER REQUEST FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDS AND AUTHORIZE ELECTRONIC SUBMITTAL: Ms. Ulrich stated the transfer request allows transfers of funds from the Temporary Assistance for Needy Families (TANF) program into Title XX and/or the Child Care Development Fund. She stated once the closeout process is completed, and it is determined the County is not covered by surplus distribution in the programs, the TANF transfers would be used to cover any over-expenditures. Commissioner Cozad moved to approve said transfer request of funds and authorize electronic submittal. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 3) CONSIDER CONTRACT ID #1932 MEMORANDUM OF UNDERSTANDING FOR 1451 COLLABORATIVE MANAGEMENT PROGRAM WITH VARIOUS AGENCIES AND AUTHORIZE DIRECTOR OF HUMAN SERVICES TO SIGN: Judy Griego, Director of Department of Human Services, stated the Memorandum of Understanding took several months to develop with the ten mandated partners who are under State statute to look at a collaborative management program and a planning process for Weld County. She stated the Memorandum of Understanding's (MOU) deadline for State submittal is June 30, 2018. She stated the MOU does meet the initial intent of the contract, which focuses


on multi-agency processes to include many stakeholders in Weld County. Bruce Barker, County Attorney, stated Ms. Griego had communicated via email with all partners, which included the draft of the MOU, and stated James Hartmann, Weld County District Court Chief Judge, took exception with some of the statements regarding statutes; therefore, Judge Hartmann would not be signing off on the MOU, and it is a requirement of the State that all mandated partners sign. Mr. Barker asked the Board how they would like to move forward, identifying the three (3) options the Board can take: 1) Take the item off the agenda, 2) Continue the item, or 3) Vote on the item today. Commissioner Cozad asked if all other mandated partners have agreed to sign the MOU, and Ms. Griego advised she has not received definitive answers by all members. She reiterated the deadline of June 30, 2018; therefore, continuing the item is not an option. Ms. Griego stated staff's recommendation is to move forward with Board approval, and she will continue to further communicate with the mandated partners to work toward full agreement.

 Commissioner Kirkmeyer added for the record, a year ago Ms. Griego sent a letter to all mandated partners, which stated there appeared to be a conflict with the service provider who was running the collaborative management program. The letter stated the County wished to pursue looking into the collaborative management program for a solution that worked for each partner. Since sending the letter, Ms. Griego retained an outside facilitator to meet with the group and have the discussions throughout the collaborative process, which embodies the comprehensive approach taken throughout this collaborative process. Commissioner Kirkmeyer stated, as a community, an MOU is not required to work with the County's partners. She added the MOU is to gain incentive and additional funds, and she encouraged approval by the Board so Ms. Griego can continue to move forward with the other mandated partners. Commissioner Kirkmeyer indicated the incentive funds total about \$235,000.00.

 Commissioner Conway asked about all the other partners' participation, and Ms. Griego stated the other partners would like to see Judge Hartmann agree. Ms. Griego does see the other partners agreeing with this version because it represents much of what Judge Hartman expressed. She indicated the disagreement is with the non-mandated partners having voting rights. Commissioner Kirkmeyer added, regardless of the MOU approval, the partnership will still exist. She advised the County has already pledged an additional \$84,000.00, which would come from the Child Welfare Block Grant, to choose a coordinator to report to the partnership. Commissioner Kirkmeyer explained the funding process and timeline, and pointed out that next year the County will try again for the incentive funds, in the event the County does not get all mandated partners to sign off on the MOU.


 Commissioner Freeman stated he agrees with what has been said, but feels that approval is necessary to leave an opportunity for progression with the other partners. Commissioner Moreno commented on the multiple conversations he has had with the other partners, and he explained most partners seem willing to sign for approval. Commissioner Cozad moved to approve said agreement and authorize the Director of Human Services to sign. The motion was seconded by Commissioner Freeman, and upon a roll call vote, the motion passed four to one, with Commissioner Conway opposed.


 4) CONSIDER CONTRACT ID #1931 MEMORANDUM OF UNDERSTANDING FOR FAMILY UNIFICATION PROGRAM WITH VARIOUS AGENCIES AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich stated the Department entered into a Memorandum of Understanding (MOU) on July 14, 2016, with an ending term date of June 30, 2021, for the Family Unification Program which identified current foster care youth as the primary target population for services. Ms. Ulrich further mentioned on June 13, 2018, the State issued a new MOU, to serve identified families involved in Child Welfare and former foster youth, in addition to current foster care youth. She further advised the new MOU still has the same term. Commissioner Freeman moved to approve said MOU and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.


 5) CONSIDER AGREEMENT RENEWAL FOR PROVISION OF COMMUNITY CORRECTIONS SERVICES AND AUTHORIZE CHAIR TO SIGN – INTERVENTION, INC., DBA INTERVENTION COMMUNITY CORRECTIONS SERVICES (ICCS): Doug Erler, Department of Justice Services, stated


the renewal agreement has been reviewed by staff and the Board in a work session, and both the Finance Department and the County Attorney have approved it. Commissioner Kirkmeyer confirmed her suggested revision is reflected in the final version of the contract because it ensures a level playing field for all participants. Commissioner Kirkmeyer moved to approve said agreement renewal and authorize the Chair to sign. Commissioner Conway seconded the motion, and it carried unanimously.


 6) CONSIDER LEASE AGREEMENT RENEWAL FOR PROVISION OF COMMUNITY CORRECTIONS SERVICES AND AUTHORIZE CHAIR TO SIGN – INTERVENTION, INC., DBA INTERVENTION COMMUNITY CORRECTIONS SERVICES (ICCS): Mr. Erler stated this agreement is in unison with the previous item, which was reviewed in a Pass Around with no further discussion needed for approval. He advised both the Finance Department and the County Attorney have signed off on the agreement. Commissioner Conway moved to approve said agreement renewal and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously. Commissioners Conway and Cozad expressed appreciation for Mr. Erler's continual involvement throughout this process and being willing to listen to feedback.


 7) CONSIDER REAPPOINTMENT OF TOBY TAYLOR AS VETERANS SERVICE OFFICER: Toby Taylor, Veteran Services Officer, stated his appointment expires June 30, 2018. He stated the new two-year term will expire on June 30, 2020, which was approved in a worksession. The motion to reappoint the Veterans Service Officer, which was made by Commissioner Freeman, and seconded by Commissioner Cozad, carried unanimously.


 8) CONSIDER RENEWAL APPLICATION FOR A TAVERN (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – VIPER 2, INC., DBA BORDERLINE: Frank Haug, Assistant County Attorney, stated the renewal application is for this facility on Highway 85, at the Wyoming border. He stated there were no concerns by staff, and recommended approval of the renewal application. Commissioner Freeman moved to approve said renewal application and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 9) CONSIDER TEMPORARY CLOSURE OF CR 32 BETWEEN CRS 13 AND 17: Amy Joseph, Department of Public Works, stated the request for closure was made by Gopher Excavating Inc., on behalf of Little Thompson Water District, for installation of a 6-inch water main for a new subdivision. She advised the closure is from July 9, 2018, through August 22, 2018, and added the reason for a 45-day closure is to allow for a postponement period so the local farmers can complete their wheat harvest. The motion to approve the temporary road closure, which was made by Commissioner Cozad, and seconded by Commissioner Kirkmeyer, carried unanimously.


 10) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R4793707 (TAX YEARS 2015-2016) – EARLY EDUCATION ENTERPRISES, LLC: Brenda Dones, Assessor's Office, stated today's items conclude the 2015 abatements. She stated all items today are denials and the tax agent agrees with the denials. Ms. Dones stated an appeal was filed for 2017, through the Board of Assessment Appeals (BOAA), and an abatement petition was filed for tax years 2015 and 2016, in order to preserve his right for a value adjustment, if the 2017 value was incorrect. She advised the tax agent considered the 2017 tax value to be fair and withdrew the BOAA 2017 appeal. Ms. Dones recommended denial of the 2015 and 2016 abatements, and asked the value for 2015 and 2016 be sustained at \$978,000.00. Commissioner Freeman moved to approve said denial for abatement of taxes. The motion, which was seconded by Commissioner Conway, carried unanimously.


 11) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R2587703 (TAX YEAR 2016) – GREELEY REALTY VENTURES, LLC, AND DEVA JASKIC: Ms. Dones stated the tax agent filed an abatement for tax year 2016 to preserve the right for value adjustment. She stated the stipulated value for tax year 2017 was based on leased income, but the tax agent has not been able to provide proof of additional income for tax years 2013 and 2014, which would result in a value change for 2016; therefore, staff recommends denial of the 2016 abatement and requests the value for 2016 remain at \$1,218,869.00. The motion to deny the petition for abatement, which was made by Commissioner Cozad, and seconded by Commissioner Conway, carried unanimously.

 12) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R8574200 (TAX YEARS 2015 AND 2016) – GUIDA, LLC: Ms. Dones stated the tax agent only provided estimated income data; therefore, staff requests an administrative denial for tax years 2015 and 2016, and sustain the tax value for both years, 2015 and 2016, at \$1,505,360.00. The motion to deny the petition for abatement, which was made by Commissioner Conway, and seconded by Commissioner Kirkmeyer, carried unanimously.


 13) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R5577286 (TAX YEARS 2015-2016) – HIGHWAY 119, LLC: Ms. Dones stated the tax agent filed an abatement for tax years 2015 and 2016 to preserve the right for value adjustment. She advised staff did make a value adjustment for tax year 2017 for the BOAA, and the tax agent is aware of the adjustment, but is not disputing the denial for abatement. Ms. Dones recommends denial of the petition and requests the value for tax years 2015 and 2016 be sustained at \$782,155.00. The motion to deny the petition for abatement, which was made by Commissioner Freeman, and seconded by Commissioner Kirkmeyer, carried unanimously.

 14) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R3725605 (TAX YEARS 2015-2016) – PAR 4 PROPERTIES, LLC: Ms. Dones stated the tax agent filed an appeal for tax year 2017 with the BOAA and an abatement petition for tax years 2015 and 2016 to preserve the right for a value adjustment. She stated the agent has since agreed with the 2017 tax value, and has withdrawn the 2017 appeal; therefore, staff recommends denial of the petition for abatements and requests the 2015 and 2016 tax value be sustained at \$910,000.00. The motion to deny the petition for abatement, which was made by Commissioner Cozad, and seconded by Commissioner Freeman, carried unanimously.

 15) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R6295386 (TAX YEARS 2015-2016) – DIESEL SERVICE PROPERTY II, LLC: Ms. Dones stated this property and the following two items are neighboring one another and function as one economic unit. She stated a small value adjustment was made at the County Board of Equalization (CBOE), but the tax agent has not provided any information regarding the value for tax years 2015 and 2016. She further stated the tax agent is aware of the denial of the petition for abatement and has not disputed; therefore, staff recommends denial of the petition for abatement and requests the tax value for 2015 and 2016 be sustained at \$206,235.00. The motion to deny the petition for abatement, which was made by Commissioner Freeman, and seconded by Commissioner Kirkmeyer, carried unanimously.


 16) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R0037790 (TAX YEARS 2015-2016) – RAW PROPERTY, LLC: Ms. Dones stated there was a 2017 appeal and staff made a small value adjustment at the CBOE, but the tax agent did not provide any information regarding tax years 2015 and 2016, and is aware of the recommendation for denial. Therefore, staff recommends denial of the petition and requests the 2015 and 2016 tax value be

sustained at \$626,880.00. The motion to deny the petition for abatement, which was made by Commissioner Kirkmeyer, and seconded by Commissioner Conway, carried unanimously.

 17) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R6784865 (TAX YEARS 2015-2016) – RAW PROPERTY, LLC: Ms. Dones stated a small adjustment was made at the CBOE for a 2017 appeal, but the tax agent did not provide any information regarding tax years 2015 and 2016. She stated the tax agent is aware of the denial of the petition and has not disputed; therefore, staff recommends denial of the petition for abatement and requests the tax value for 2015 and 2016 be sustained at \$1,894,802.00. The motion to deny the petition, which was made by Commissioner Conway, and seconded by Commissioner Kirkmeyer, carried unanimously.

 18) CONSIDER AUTHORIZING BOARD OF COUNTY COMMISSIONERS TO CONVENE AS A BOARD OF EQUALIZATION FOR CALENDAR YEAR 2018: Commissioner Cozad moved to approve the authorization of the Board of County Commissioners to convene as a Board of Equalization for calendar year 2018. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

HEALTH NEW BUSINESS:

 1) CONSIDER SUSPENSION OF COLORADO RETAIL FOOD ESTABLISHMENT LICENSE – DENO'S I-76 RESTAURANT AND LOUNGE: Gabri Vergara, Department of Public Health and Environmental, stated over the last 12-month period there have been three (3) civil penalties and multiple other critical violations totaling forty-eight (48), averaging six (6) violations per inspection. She stated of the forty-eight (48) violations, there were thirty-eight (38) critical violations, where twenty-seven (27) were foodborne risk factor violations. Ms. Vergara advised a compliance review was completed, and immediately following the review, an inspection showed no critical violations. However, at the next regular inspection there were four (4) repeat critical violations, including improper cold holding, which resulted in the third civil penalty. Dan Joseph, Department of Public Health and Environmental, described the process staff takes for the purpose of avoiding foodborne illnesses of customers. He stated there have not been any direct complaints related to foodborne illnesses. Mr. Joseph outlined the details of the three (3) civil penalties, which were issued within the first six (6) months of the twelve (12) month period. He advised there have been compliance reviews and targeted educations held with the restaurant to assist in compliance. Mr. Joseph presented details of each inspection and outlined staff recommendations: 1) The restaurant is to contract with an approved food safety consultant to provide onsite training, and then have it followed by an inspection by staff, 2) The current management is to attend an accredited class to become a certified food protection manager within two (2) weeks of today's hearing, 3) The restaurant's license is to be suspended until a consultant has been obtained, and training has been held, 4) The civil penalty fee is to be defrayed toward the costs of achieving compliance, 5) Performance of two (2) inspections is to be held by the Department of Health following the suspension of the license, having no repeat critical violations, and 6) Future opportunity of staff to present to the Board again, if these conditions are not successfully met. Mr. Joseph advised the equipment is not the issue; rather, the problem results from lack of knowledge and training. Lorenzo Garcia, restaurant owner, expressed frustration of the inspections always being conducted during the lunch rush hour. Darlene Chernotan, restaurant manager, provided details of inspections and communicated her efforts to improve performance of the restaurant and meet the expectations made by staff. She stated she welcomes the inspector and respects the suggestions offered to improve the quality and handling of the food. Ms. Chernotan acknowledged part of the repeat offenses is due to staff turnover, and requested time to allow for the new staff to become trained. Chair Moreno explained staff is doing their job for the safety and benefit of Weld County citizens, and is not out to place hardships on the restaurant. Mr. Garcia expressed having an issue with the specific inspector, Lila Chang. Ms. Vergara commented staff inspections generally occur during the busiest hours of the day and do last for a couple hours. She further stated other restaurants are compliant during the rush hour. Mr. Joseph explained the time-frame in which

compliance to said conditions is in the hands of the owner, depending on how quickly they arrange a meeting with the consultant. Mr. Garcia and Ms. Chernotan both expressed support of the conditions set forth by staff. Commissioner Kirkmeyer expressed concern with the potential of the restaurant missing out on the holiday's business; therefore, she moved for a continuance to July 9th, with an understanding the food safety consultation must occur prior to July 9 2018, and all other conditions recommended by staff must be met. Commissioner Conway seconded the motion, which carried unanimously. Commissioner Conway suggested assigning a new inspector to this restaurant.

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 11:10 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