


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO

May 2, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 2, 2018, at the hour of 9:00 a.m.


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


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

Also present:


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

 **MINUTES:** Commissioner Cozad moved to approve the minutes of the Board of County Commissioners meeting of April 30, 2018, as printed. Commissioner Conway seconded the motion, and it carried unanimously.


 **AMENDMENTS TO AGENDA:** Commissioner Freeman made a motion to remove New Business 2) Consider Contract ID #1772 Work Plan Expenditure Authorization for Apprenticeship USA State Expansion Grant and authorize Chair to sign and renumber. The motion was seconded by Commissioner Cozad, and it carried unanimously.

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


PRESENTATIONS:


 1) RECOGNITION OF SERVICES, DEPARTMENT OF HUMAN SERVICES – KATHY TEGTMAN: Chair Pro-Tem Kirkmeyer read the certificate recognizing Ms. Tegtman for her dedicated service to the citizens of Weld County. Judy Griego, Director of the Department of Human Services, acknowledged Ms. Tegtman's contributions to the Department of Human Services, leading the Continuity Operations Plan and expressed pride in Ms. Tegtman's development of her staff, the management team, and the legacy she leaves behind. Each Commissioner expressed their appreciation of her strong leadership skills, calm demeanor and thanked her for serving the residents of Weld County. Ms. Tegtman thanked the Board for their recognition and expressed appreciation for her opportunities with Weld County. The Commissioners congratulated her on her retirement and invited her back to serve as a member on Weld

County's various Boards and Commissions. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, referenced a recent article in the newspaper and expressed his concern regarding the cost of the named investigation and inquired as to the amount of tax payer money that has been spent. Commissioner Kirkmeyer stated there hasn't been any money spent on the investigation.


BIDS:


 1) PRESENT BID #B1800087, F5 MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the three (3) bids received and stated staff will bring back a recommendation on May 16, 2018.


 2) PRESENT BID #B1800095, POLYCOM VIDEO ARRAIGNMENT MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the two (2) bids received and stated staff will bring back a recommendation on May 16, 2018.


NEW BUSINESS:


 1) CONSIDER CONTRACT ID #1752 WORK PLAN EXPENDITURE AUTHORIZATION FOR SECTORS PARTNERSHIP NATIONAL EMERGENCY GRANT AND AUTHORIZE CHAIR TO SIGN: Ms. Griego presented the work plan expenditure authorization in the amount of \$48,472.00 to increase the number of participants in the program to 111. Commissioner Freeman moved to approve said work plan expenditure authorization and authorize the Chair Pro-Tem to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 2) CONSIDER CONTRACT ID #1612 AGREEMENT FOR TRANSPORTATION ALTERNATIVES PROGRAM FOR SOUTH PLATTE RIVER TRAIL AND AUTHORIZE CHAIR TO SIGN – CITY OF FORT LUPTON: Ms. Griego reviewed the agreement for funding to allow the Youth Conservation Corps to work with the Town of Fort Lupton to build an American's with Disabilities Act (ADA) compliant trail which will begin at State Highway 52, along the South Platte River. Commissioner Conway moved to approve said agreement and authorize the Chair Pro-Tem to sign. Seconded by Commissioner Cozad, the motion carried unanimously.



 3) CONSIDER CONTRACT ID #1668 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JOSH AND JENNIFER LONG: Ms. Griego reviewed the details of the contract for Josh and Jennifer Long to provide foster care services. Commissioner Cozad moved to approve said agreement and authorize the Chair Pro-Tem to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.


 4) CONSIDER REVISIONS AND ADDITIONS TO, SECTIONS 6.000, COLORADO WORKS AND CHILD CARE, 2.000 CHILD WELFARE, AND 3.000 ADULT PROTECTION SERVICES OF THE DEPARTMENT OF HUMAN SERVICES OPERATIONS MANUAL: Ms. Griego presented the policies which were developed or revised to reflect their current processes, or will further define the Department of Human Service's activities and responsibilities. She stated staff will submit them to the Colorado Department of Human Services. They will use the PRIDE program model to assist with training new foster parents. Commissioner Freeman moved to approve said revisions and additions to the Human Services Operations Manual. The motion was seconded by Commissioner Conway, and it carried unanimously.


 5) CONSIDER FORM OF AGREEMENT FOR WELD COUNTY CLERK AND RECORDER ELECTIONS DIVISION FACILITY USAGE AND AUTHORIZE CLERK AND RECORDER TO SIGN: Rudy Santos, Deputy Clerk and Recorder and Adam Gonzales, Election's Office, presented the form which will be used by voter services and polling centers to obtain contact information and permanent usage of the facility. Commissioner Freeman moved to approve said agreement and authorize the Clerk and Recorder to sign all necessary agreements consistent with said form. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 6) CONSIDER FOUR (4) FORMS OF MEMORANDUM OF INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF COORDINATED ELECTIONS AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS: Mr. Santos presented the four (4) forms, which the municipalities, schools, special districts, and water conservancy districts will use to enter into intergovernmental agreements. In response to Commissioner Cozad, Mr. Gonzales stated the forms have been reviewed and approved by the County Attorney's Office. Mr. Santos stated the forms will also cover the County, for liabilities when coordinating the elections in November, 2018. Commissioner Cozad moved to approve said forms and authorize the Chair to sign any necessary documents. Seconded by Commissioner Conway, the motion carried unanimously.


 7) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – LARKRIDGE FAMILY DENTISTRY: Sean McElroy, Assessor's Office, presented the petition for abatement or refund of taxes, for the facility which was reported as being located within the County, but wasn't in the County until later in 2017, and had been valued in Adams County for 2017. Commissioner Conway moved to approve said petition for refund of taxes in the amount of \$11,368.98. The motion, which was seconded by Commissioner Freeman, carried unanimously.


 8) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF SECTION LINE COUNTY ROAD RIGHT-OF-WAY – DENNIE KUTCHER, AND FRANCIS HARVEY, C/O LEONARD HARVEY: Frank Haug, Assistant County Attorney, presented the petition for the vacation of right-of-way along Lots 1 and 4. He stated staff has received approval from the adjacent landowners to move forward with the petition, which is right-of way along County Road (CR) 78, between CRs 71 and 73. It is the entire mile on the south end of the section and is right next to State Highway 392. Mr. Haug explained Lots 1 and 4 are owned by Francis Harvey, Lot 2 is owned by the Sutton's, and Lot 3 is owned by Dennie Kutcher. He stated CR 73 has not been constructed; however, there is 30 feet of right-of-way running north and south and a County maintained road along CR 31. He stated the accesses to the Recorded Exemption (RE) are off CR 80. Mr. Haug displayed the slides showing the accesses and roads bordering the 3.36 acres, which are to be vacated. Tiffane Johnson, Department of Public Works, stated the clip was submitted by Mr. Kutcher which was done by a surveyor. In response to Commissioner Cozad, Ms. Johnson stated the abandoned railroad right-of-way was converted to CDOT right-of-way. Bruce Barker, County Attorney, explained the abandoned rail road right-of-way was conveyed to Weld County in the 1970's to use as the roadway, and in 1992, a portion that was not used as a roadway was vacated and transferred to the adjacent property owners.  Dennie Kutcher, petitioner, stated after he purchased Lot D, the Sutton's wanted him to consider a petition to vacate and the Harvey's did not want a roadway on their ranch so they supported the vacation also. There is no access on State Highway 392, so they use the access on CR 80. No public testimony was offered concerning this matter. Commissioner Cozad stated because there is no access to State Highway 392, she is in support of the vacation, and moved to approve said petition and authorize vacation of a portion of CR 78 right-of-way. Seconded by Commissioner Conway, the motion carried unanimously. Mr. Haug stated this vacation will not include the 30 feet off CR 71.

 9) CONSIDER APPLICATION TO PUBLIC UTILITIES COMMISSION TO CLOSE EXISTING CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY CROSSING AT CR 2.5 AND AUTHORIZE SUBMITTAL: Don Dunker, Department of Public Works, presented the request from the Colorado Department of Transportation (CDOT), to close the railroad crossing at CR 2.5, which is consistent with the U.S. Highway 85 Pel Study and the U.S. Highway 85 Access Control Plan. Chair Pro-Tem Kirkmeyer clarified this agreement is not to vacate anything yet, but to allow the Public Utilities Commission (PUC) to close the crossing and since it is a public application, it will take 45 to 60 days. In response to Commissioner Conway, Mr. Dunker stated signage will be placed at the tracks; for example, a sign will be placed in proximity of the crossing to alert the traveling public. Commissioner Freeman moved to approve said application and authorize submittal. The motion was seconded by Commissioner Cozad and it carried unanimously. Commissioner Kirkmeyer suggested that a press release be sent by Jennifer Finch, Public Information Officer, to allow people to submit comments to the PUC during the public comment period.


 10) CONSIDER APPLICATION TO PUBLIC UTILITIES COMMISSION TO CLOSE CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY AT CR 29 AND TRANSFER VARIOUS IMPROVEMENTS TO CR 34 CROSSING AND AUTHORIZE SUBMITTAL: Mr. Dunker stated the PUC public application process will take 45 to 60 days, and upon determination of the PUC process, there will be public follow-up hearings for the consideration of closures conducted through the vacation process. Chair Pro-Tem Kirkmeyer stated this will allow the improvements slated for the crossing at CR 29 to be moved to the railroad crossing at CR 34. Commissioner Cozad moved to approve said application and authorize submittal. The motion was seconded by Commissioner Conway, and it carried unanimously.


 11) CONSIDER APPLICATION TO PUBLIC UTILITIES COMMISSION TO CLOSE EXISTING CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY CROSSING AT CR 46 AND AUTHORIZE SUBMITTAL: Mr. Dunker stated this gives CDOT authorization to submit the PUC application to close the crossing at County Road 46. He stated this is part of the U.S. Highway 85 Access Control Plan. Commissioner Freeman moved to approve said application and authorize submittal. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 12) CONSIDER APPLICATION TO PUBLIC UTILITIES COMMISSION TO CLOSE EXISTING CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY CROSSING AT CR 72 AND AUTHORIZE SUBMITTAL: Mr. Dunker presented the application to authorize CDOT to submit the application to the PUC to close the crossing at CR 72, as part of the U.S. Highway 85 Access Control Plan. Commissioner Freeman moved to approve said application and authorize submittal. The motion was seconded by Commissioner Conway, and it carried unanimously.


 13) CONSIDER APPLICATION TO PUBLIC UTILITIES COMMISSION TO CLOSE EXISTING CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY CROSSING AT CR 104 AND AUTHORIZE SUBMITTAL: Mr. Dunker presented the application to authorize CDOT to submit the application to the PUC to close the crossing at CR 104, as part of the U.S. Highway 85 Access Control Plan. Commissioner Cozad moved to approve said application and authorize submittal. The motion, which was seconded by Commissioner Freeman, carried unanimously. Chair Pro-Tem Kirkmeyer stated the closures at CRs 29 and 72 will require an amendment to the Access Management Plan and the coalition members will need to be notified of the closure and the need for the amendments. There will need to be a two-thirds vote for the change, but this shouldn't be an issue because it is consistent with the PEL, which is a recent study.


OLD BUSINESS (PLANNING):


 1) CONSIDER REQUEST CONCERNING EXTENSION OF TIME FOR SUBMITTAL OF FINAL PLAN FOR CHANGE OF ZONE, PZ-1071, FOR ADLER ESTATES PUD – MEAD CROSSINGS, LLC (CONT'D FROM 4/18/2018): Kim Ogle, Department of Planning Services, explained this matter was continued from April 18, 2018, to allow the applicant to be present. He stated this was the eighth request and the original PUD was approved in 2005. Mr. Ogle stated the final plan application was not submitted within three (3) years, as required by the Code, and the applicant has not provided staff with current quarterly updates as required. In response to Commissioner Conway, Mr. Ogle clarified staff has not received quarterly updates for the past year.


 Fred Kelley, representative of Adler Estates PUD, Mead Crossings, LLC, stated he had some staffing issues; therefore, the County has not received any quarterly reports. He stated the Town of Mead was planning on providing water to the site, by building a twelve-inch line that would be within close proximity to their site. He stated there is a new Town Manager, who reported they are abandoning any projects to build the water line. He stated Longs Peak Water District is interested and has agreed to provide water to this project; however, they are unable to provide enough water to the subdivision. Recently there have been other potential property owners who stated they will need water for their properties. He stated Longs Peak Water District will be able to contribute to the solution, but it depends on the costs and finding other property owners to contribute to the water project.


 Commissioner Cozad stated she did some work on projects which are to be in that area and the biggest issue is the water supply and the expense to get water service to the area. She stated the Town of Mead will let the special districts supply the sewer and water. She stated she isn't in agreement with extending this another year because the Adler Estates Final Plat should have been submitted within three (3) years. Commissioner Cozad stated she would like to see the correspondence regarding the water projects with Longs Peak Water District and a timeframe for when a final plat will be submitted. She explained it would be helpful to see a plan, but understands the challenges of getting water to the area and there is a need for residential development.



 Mr. Kelley stated the water districts will split their services at County Road 7, unfortunately his property is split by CR 7 so he could potentially be dealing with two (2) separate water districts on his property. According to the map, they are in the Longs Peak Water District. In response to Commissioner Cozad, Mr. Kelley stated if the Town of Mead is the provider for water, they would insist that he annex into the Town of Mead, but his preference is to stay in Weld County.


 In response to Commissioner Conway, Mr. Ogle stated there were subdivisions in the area which have been withdrawn or did not move forward. Commissioner Conway stated he is not in agreement with extending this a year and would like a shorter time-frame. Commissioner Conway recommended Mr. Kelley get the quarterly updates submitted to Mr. Ogle, because he would like to bring this to a conclusion.


 Chair Pro-Tem Kirkmeyer reported she voted against this extension last year and her personal belief is that this project will never take place. She stated the letter included from Little Thompson Water District explains they do not have water lines running in the area. Mr. Ogle stated Longs Peak Water District wasn't willing to provide any documentation. Mr. Kelley stated he could get a letter from Gary Alan, District Manager, of Longs Peak Water District, and explained they would need an upgrade to provide water to the site. They however, are willing and need to provide service to this area. In response, Commissioner Kirkmeyer stated this will be an expensive project to complete and Longs Peak might want the developer to pay.


 Mr. Kelley stated there are other owners that would share the cost of \$13,000,000.00 to obtain water.


In response to Chair Pro-Tem Kirkmeyer, Mr. Kelley stated there are 833 lots in his PUD. She stated when this was approved in 2005, there was a provision included which states there will need to be adequate provision of services provided to this project. She stated she won't vote for the extension because Mr. Kelley has not demonstrated the viability of getting water to his project.  Mr. Kelley stated he will get a letter from the water districts demonstrating they will be able to raise the money and they will provide water service to the site.



 Mr. Kelley stated he doesn't feel raising money for the water district will be a problem. He believes there was a letter from the water districts thirteen years ago stating they would provide water service to the property.  Chair Pro-Tem Kirkmeyer stated the first thing that needs to happen is to obtain proof that Longs Peak Water District can provide water service to the area, and the second is to obtain a letter stating Mr. Kelley's ability to obtain financing to get the water to the property.

 Commissioner Cozad stated Foster Lake Development lost their Change of Zone, because there were challenges getting water to the property and didn't request an extension. She would like a letter from Longs Peak Water District stating they can provide water to the property. She stated she would be willing to extend this to early August, 2018; however, she would like evidence water is available, feasible and that the developer is financially capable of building whatever is required for the water project.

 Commissioner Conway suggested having Mr. Kelley submit a monthly update to Mr. Ogle and stated the Board needs to be more specific on the requirements and what they want from Mr. Kelley and he agrees to extending this matter to August, 2018.

 Commissioner Cozad stated this has been on-going for thirteen (13) years and rules change and by extending this, the Board is allowing Mr. Kelley to remain under regulations and rules which were in place thirteen (13) years ago; however, the rules have probably been changed.

 Bruce Barker, County Attorney, stated, Code Section 27-8-50 which is entitled "Failure to record a PUD, Final Plan, of the last sentence says, *"If the Board determines that the condition supporting the original approval of the PUD cannot be met, the Board may, after a public hearing, revoke the PUD."* In response to Commissioner Cozad, Mr. Barker stated this is a two (2) step process, they can continue this matter to early August, 2018, and if the Board decides to revoke the PUD in August at the hearing, they will have to schedule another hearing to allow time to post a ten (10) day notice.

 Commissioner Cozad moved to grant an extension of time to August 6, 2018, to determine if there is adequate information to move forward with the PUD, or set a hearing for failure to submit a PUD final plan. She stated Mr. Kelley will provide monthly updates to the Department of Planning Services, a letter from Longs Peak Water District stating water is available and feasible to supply water to the development. Lastly, a letter will be required from Mr. Kelley stating the developer can finance the water project. The motion was seconded by Commissioner Conway.  Commissioner Cozad stated it is important to extend more time to Mr. Kelley, but he needs to move forward, since the economy has improved considerably and this has been on-going for thirteen (13) years. Commissioner Freeman stated he will support the motion, but after being presented all the evidence, he does not believe this project is feasible.

 Upon a roll call vote the motion passed three to one with Commissioner Kirkmeyer opposed.

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 10:27 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

EXCUSED

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MAY 7, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 7, 2018, at the hour of 9:00 a.m.


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


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


Also present:


County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Senior Accountant, Chris D'Ovidio

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


 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on May 2, 2018, as follows: 1) USR17-0044 – Kyle Kempema, 2) USR18-0007 – Discovery DJ Services, LLC, 3) 3MJUSR18-95-1092 – Opal Foods, LLC, and 4) USR18-0010 – Kenneth and Jamie Starman. Commissioner Kirkmeyer seconded the motion, which carried unanimously.

 **AMENDMENTS TO AGENDA:** Commissioner Kirkmeyer made a motion to move New Business item 3) Consider Contract ID #1771 Agreement for Construction Services for Bridge 68/59A Replacement Project (Bid #B1800041) and authorize Chair to sign – Lawrence Construction Company to the Consent Agenda. The motion, which was seconded by Commissioner Conway, carried unanimously.


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

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


BIDS:

 1) APPROVE BID #B1800083, DACONO METAL STORAGE SHED – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, presented the three (3) bids


received and stated staff recommends awarding to the low bidder, L.O.S.T. Construction, Inc., for the amount of \$47,675.00. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 2) APPROVE BID #B1800094, 1/2-TON 4X4 EXTENDED CAB PICKUP (QTY. 2) – DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS/DEPARTMENT OF FLEET SERVICES: Mr. Turf reviewed the seven (7) bids received and stated staff recommends awarding to the low bidder, who meets all specifications, Weld County Garage. He stated the other two (2) bids which were lower did not meet the 7000-pound GVW minimum specification. Commissioner Kirkmeyer moved to approve said bid as recommended by staff. Seconded by Commissioner Conway, the motion carried unanimously.


OLD BUSINESS:

 1) CONSIDER AND ACCEPT REPLACEMENT ROAD MAINTENANCE COLLATERAL REGARDING USE BY SPECIAL REVIEW PERMIT, USR-1767 – KONIG AG COMPANY (CONT'D FROM 4/2/2018): Evan Pinkham, Department of Public Works, stated staff received a request that the Commissioners accept \$1,500.00, for replacement of the currently held letter of credit for road maintenance collateral. He stated a work session has been scheduled for June 18, 2018, but staff would like the Board to accept the \$1,500.00 collateral and then discuss the overall collateral policy during the work session. Commissioner Conway moved to accept the replacement collateral which was seconded by Commissioner Kirkmeyer. Bruce Barker, County Attorney, explained if the policy changes regarding the \$1,500.00 collateral, they would keep the collateral, but would need to decide if they should collect more than the \$1,500.00 to cover the costs for maintenance. Mr. Barker stated the Board could decide to release and dismiss the collateral. There being no further discussion, the motion carried unanimously.

NEW BUSINESS:


 1) CONSIDER APPLICATION FOR REIMBURSEMENT FOR PETROLEUM STORAGE TANK REMEDIATION AND AUTHORIZE CHAIR TO SIGN: Toby Taylor, Director of the Department of Buildings and Grounds, presented the application to receive reimbursement from Colorado Petroleum Tank Fund, for the expenses incurred for Palmetto Environmental to perform the Site Characterization Report and subsequent remediation for the leaking storage tank. Commissioner Kirkmeyer moved to approve said application and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 2) CONSIDER CONTRACT ID #1782 STATE NOXIOUS WEED FUND GRANT AGREEMENT: Tina Booton, Weed and Pest Division, reviewed the details of the awarded grant funds in the amount of \$40,000.00 which will be used to eradicate noxious weeds, with a match requirement of \$40,000.00. Commissioner Conway moved to approve said agreement. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 3) CONSIDER ENTRY UPON VARIOUS LANDS BY WELD COUNTY VEGETATION MANAGEMENT SPECIALIST: Ms. Booton presented the request to enter onto private lands and carry out weed control measures. In response to Commissioner Conway, Ms. Booton stated multiple attempts had been made to contact the landowner. Commissioner Kirkmeyer moved to grant entry. Seconded by Commissioner Conway, the motion carried unanimously.

 4) CONSIDER TEMPORARY CLOSURE OF CR 1 BETWEEN CR 34 AND STATE HIGHWAY 66: Amy Joseph, Department of Public Works, presented the temporary closure beginning May 14, 2018,

through June 1, 2018, for a bridge re-deck. Commissioner Kirkmeyer moved to approve said temporary closure. The motion, which was seconded by Commissioner Conway, carried unanimously.

 5) CONSIDER TEMPORARY CLOSURE OF CR 67 BETWEEN CRS 18 AND 20: Ms. Joseph reviewed the terms of the closure beginning May 15, 2018, through May 18, 2018, for a culvert replacement, and stated water will be used for dust abatement, as necessary. Commissioner Conway moved to approve said temporary closure. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 6) CONSIDER CANCELLATION OF BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULED FOR JUNE 6, 2018: Commissioner Kirkmeyer moved to cancel the Board of County Commissioners Meeting for June 6, 2018. The motion was seconded by Commissioner Conway and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. 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 9:12 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Steve Moreno, Chair

BY: _____
Deputy Clerk to the Board

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

EXCUSED

Julie A. Cozad

EXCUSED

Mike Freeman


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO

May 9, 2018


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

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


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

Also present:


County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Senior Accountant, Chris D'Ovidio


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of May 7, 2018, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.


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

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


PROCLAMATIONS:


 1) WELD COUNTY POLICE OFFICERS WEEK – MAY 13-19, 2018, NATIONAL PEACE OFFICERS MEMORIAL DAY – MAY 15, 2018, AND WELD COUNTY FALLEN OFFICER MEMORIAL TRIBUTE CEREMONY – MAY 17, 2018: Chair Moreno read the proclamation for the record. Sheriff Steve Reams accepted the award on behalf of the Weld County Sheriff's Office and expressed his appreciation for the recognition. He further stated this proclamation and the Memorial Tribute Ceremony is part of the healing process for the loss of police officers killed in the line of duty. Sheriff Reams extended an invitation to the Fallen Officers Memorial event. Each Commissioner expressed their gratitude to the Sheriff's Office and their shared grief over the slain police officers in our community and beyond. They further recognized this proclamation and memorial as an opportunity to remember those who risk their lives every day and to commend the hard work of those of serve. Each Commissioner thanked Sheriff Reams and all officers for keeping citizens safe, putting their lives on the line, and remembering the fallen officers that were killed in the line of duty. *(Clerk's Note: The Board paused for a photo opportunity.)*


 2) FOSTER CARE MONTH – MAY, 2018: Chair Moreno read the proclamation for the record. Heather Walker, Department of Human Services, accepted the award on behalf of Weld County Foster Families. Veronica Cavazos, Department of Human Services, expressed appreciation to the Foster Families for their dedication to the children. Stephanie Korby, resident of Greeley, thanked the Board for their support and the structure within Weld County. Each Commissioner thanked Ms. Korby and the Foster Families for their care and dedication to the innocent souls of Weld County. The also thank staff for their hard work in matching families and for the incredible job they do every day. Commissioner Cozad extended her appreciation to Commissioner Kirkmeyer for her work at the legislative level and her support of the Foster Families. She thanked Megan Garziano, Human Services Communication Specialist, for getting information out about the Foster Family program. She also recognized Weld Faith Partnership for their contributions and support of Foster Families. *(Clerk's Note: The Board paused for a photo opportunity.)*


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, stated he recently went on a ride-along with Officer Brown of the Weld County Sheriff's Office and expressed his appreciation of the police officer's service. He reported Northern Colorado Nightmares, which is a minor league football team, will be honoring the local law enforcement and emergency responders at Northridge High School on May 19, 2018. He also referenced a recent article in the Tribune regarding the bid for the County Jail Design-Build and requested the Commissioners consider the taxpayers, when making their final decision.

BIDS:

 1) APPROVE BID #B1800090, TREND MICRO DEEP SECURITY MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the four (4) bids received and stated staff recommends awarding to the low bidder, Insight Public Sector, Inc. Commissioner Cozad moved to approve said low bid. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) APPROVE BID #B1800092, EMC MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the three (3) bids received and stated staff recommends awarding to the low bidder, Global Technology Resources, Inc. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 3) APPROVE BID #B1800093, BRUSH CHIPPER – DEPARTMENT OF HUMAN SERVICES/FLEET MANAGEMENT: Rob Turf, Department of Purchasing, presented the four (4) bids received and stated staff recommends awarding to the second low bidder, Vermeer Colorado, which meets specifications. Commissioner Cozad moved to approve said second low bidder. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously. Mr. Turf clarified the low bidder, Altec Industrices, Inc, didn't meet the 18-inch capacity drum or the 170 HP engine minimum specifications.


 4) APPROVE BID #B1800096, FORKLIFT FOR HOUSEHOLD HAZARDOUS WASTE – DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT/FLEET MANAGEMENT: Mr. Turf presented the five (5) bids received and stated staff recommends awarding to the low bidder, Welch Equipment Company. Commissioner Conway moved to approve said low bid. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

NEW BUSINESS:


 1) CONSIDER CONTRACT ID #1733 AGREEMENT FOR PROFESSIONAL SERVICES FOR FOSTER AND KINSHIP CARE ENGAGEMENT SPECIALIST AND AUTHORIZE CHAIR TO SIGN –


NORTH RANGE BEHAVIORAL HEALTH (NRBH): Jamie Ulrich, Deputy Director of the Department of Human Services, reviewed the terms of the agreement for professional services with North Range Behavioral Health to help support and retain Foster Families. She stated they will provide behavioral health engagement, training, consultation, linkage and case management support for Weld County's Foster and Kinship homes. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Conway acknowledged Ms. Ulrich's accomplishment of her work on a Bill that passed unanimously.

 2) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – FRANK'S RIDE FOR CHILDREN, FBO MAKE-A-WISH FOUNDATION OF COLORADO, INC.: Frank Haug, Assistant County Attorney, presented the application for a Special Events Permit, for Frank's Ride for Children to benefit the Make-a-Wish Foundation event to be held June 9, 2018. He stated the Temporary Assembly permit application is scheduled later. Mr. Haug reported no concerns were received from staff. In response to Commissioner Kirkmeyer, Greg Risedorf, stated this is the 32nd year, and as of last year, they have raised \$734,259.00 for the Make-a-Wish Foundation and granted 124 wishes to the children. Commissioner Kirkmeyer moved to grant said special events permit and authorize the chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 3) CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES FOR HAM RADIO CABLING AND TERMINATIONS AND AUTHORIZE CHAIR TO SIGN – WARKENTIN ELECTRIC: Toby Taylor, Director of the Department of Buildings and Grounds, presented the agreement to have the low bidder, Warkentin Electric, install new bulkheads to support the HAM radio operator during emergency situations. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

 4) CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES FOR ISLAND GROVE EXTENSION OFFICE (525 N. 15TH AVE.) AND AUTHORIZE CHAIR TO SIGN – MARKLEY DESIGNS, LLC: Mr. Taylor presented the terms for an agreement to remodel and to develop a fire escape plan for the Extension Office. He stated Markley Designs was the lowest bidder, for the amount of \$1,200.00. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 5) CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES FOR IRRIGATION WELLS REPAIR AND AUTHORIZE CHAIR TO SIGN – QUALITY WELL AND PUMP: Mr. Taylor reviewed the agreement to perform pump replacement for the failed water well pump. He stated staff received three (3) responses and recommends awarding to the second low bidder, Quality Well and Pump, for the amount of \$18,688.00. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously. In response to Commissioner Cozad, Mr. Taylor stated the low bidder, Ground Exploration, LLC, needed an additional three (3) weeks, and establishing the lawn in the business park is critical, so the irrigation needs to be repaired soon.

 Commissioner Cozad expressed her appreciation to the Board for their support so she could attend the Honor Flight. She thanked Mr. Gillard for his service to the United States. She reported this was the second to last trip and 180 people have traveled to see all the memorials in Washington D.C. through this effort Commissioner Conway thanked Commissioner Cozad for volunteering and taking the time to assist the veterans. Commissioner Cozad stated the third pinning ceremony will be on June 2, 2018, and there will be a Continental Breakfast with keynote speaker, Kate Nelson. She stated the VFW is volunteering to serve breakfast.

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 9:47 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

EXCUSED

Mike Freeman


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO

May 14, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 14, 2018, at the hour of 9:00 a.m.


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

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


Also present:

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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of May 9, 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 February 28, 2018, as follows: 1) USR17-0061 – Que and Debora Fullmer, 2) USR17-0076 – De Jager 2007 Living Trust, c/o Icon Holsteins, LLC, and 3) USR18- 0001 – WETCO Farms, Inc., c/o Brett Bloom. 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.


PROCLAMATION:


 1) **MENTAL HEALTH MONTH – MAY, 2018:** Chair Moreno read the proclamation recognizing May, 2018, as Mental Health Month. He read the statistics for the record, stating, in 2017, Weld County lost 50 youth, adults, and seniors to suicide. Larry Pottorff, Director of North Range Behavioral Health, expressed his appreciation of the support from the Board of County Commissioners and introduced the North Range Behavioral Health staff members. He stated individuals suffering with mental health issues often do not seek help, so it is important to increase awareness that seeking help is appropriate and


encouraged. Each Commissioner thanked them for assisting the citizens of Weld County, because it is greatly appreciated. Commissioner Cozad stated it is important to have proclamations, because it brings forth more recognition because prevention is a big part of helping with mental health issues. She stated it is vital to work with all groups to address mental health issues ahead of time to prevent suicide. The Board expressed their appreciation for the services they provide County-wide and for being able to recognize and assist individuals who are struggling. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

PRESENTATION:


 1) RECOGNITION OF SERVICES, WORKFORCE DEVELOPMENT BOARD – CLAY DRAKE: Chair Moreno read the certificate for the record, recognizing Mr. Drake for the four (4) years of voluntary service to the Workforce Development Board. Commissioner Cozad thanked Mr. Drake for his contribution and commitment of time to the Board.


 2) RECOGNITION OF SERVICES, BUILDING TRADES ADVISORY COMMITTEE – CHAD SANGER AND LANDON COGBURN: Chair Moreno read the certificate for recognizing Mr. Sanger and Mr. Cogburn for their voluntary service and contributions to the Building Trades Advisory Committee.

 3) RECOGNITION OF SERVICES, ISLAND GROVE PARK ADVISORY BOARD – BRUCE CAMERON: Chair Moreno read the certificate for the record. Commissioner Conway thanked Mr. Cameron for his past six (6) years of voluntary contributions to the Island Grove Park Advisory Board.


 **PUBLIC INPUT:** Dave Kisker, resident of Johnstown, stated he is disappointed the Commissioners are considering joining a motion with the Court of Appeals, regarding a decision concerning the Martin Marietta project.

BIDS:

 1) APPROVE BID #B1800071, HISTORICAL DOCUMENT SCANNING-PROPERTY RESEARCH – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the three (3) bids received and stated staff recommends awarding to the low bidder, Mountain States Imaging, who meets all the requirements. Commissioner Conway moved to approve said bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 2) APPROVE BID #B1800084, WELD COUNTY 1401 BUILDING REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, presented the three (3) bids received and stated staff recommends awarding to the low bidder, TCC Corporation. Commissioner Cozad moved to approve said low bid. Seconded by Commissioner Freeman, the motion carried unanimously.



OLD BUSINESS:


 1) RENEWAL APPLICATION FOR 3.2 PERCENT BEER ON-PREMISE (COUNTY) RETAIL LICENSE – ANA M. LUCERO, DBA POLLO FELIZ (*CONT'D FROM 4/9/2018*): Frank Haug, Assistant County Attorney, stated the applicant, Ana M. Lucero, is not present. He reminded the Board that Ms. Lucero had not previously completed the responsible vendor training but, it is now completed. However; he was recently notified by the State that the applicant had not completed the 10-day suspension, they didn't have proper signage, and they have not been keeping correct records. In response to Commissioner Conway, Mr. Haug recommended continuing this matter to give Ms. Lucero time to complete the 10-day suspension and follow through with all requirements. Commissioner Kirkmeyer moved to continue said matter to May 21, 2018. The motion was seconded by Commissioner


Conway, and it carried unanimously. Commissioner Conway reiterated the importance of Ms. Lucero being present for the hearing on May 21, 2018.


NEW BUSINESS:


 1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES (R6265186) – TAGAWA GREENHOUSES, INC.: Brenda Dones, Assessor's Office, presented the petition for an abatement or refund of taxes. She explained the nature of the business being a wholesale supplier of annual bedding plants which are grown from seeds. Ms. Dones stated this parcel is fifty-four (54) acres, and thirty (30) acres are classified as commercial and twenty-four (24) acres are classified as irrigated, agricultural land. The landowners have twenty (20) improvements, including one residence. Ms. Dones stated the value of \$2,029,676.00 to be accurate, for the buildings which have been correctly classified as real property, so staff recommends denial of the petition. William McClain, representative of Tagawa Greenhouses, Inc., stated he would like to consolidate this case and the one after it. Bruce Barker, County Attorney, stated since these were sent in as separate appeals, there needs to be two (2) resolutions. Commissioner Cozad moved to deny the petition for abatement or refund of taxes for R6265186. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously


 2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES (R6411486) – TAGAWA GREENHOUSES, INC.: Ms. Dones presented the petition for the 56.2 acres with 4.5 acres classified as commercial greenhouses. She recommended denial of the petition and hold the value at \$308,651.00 for tax years 2015, and 2016. Mr. McClain suggested the cost approach should be reduced by 15 to 30 percent to reflect the proper wage rate. He stated it is because the brothers supervised when the greenhouses were being built and suggested a reduction in the cost approach valuation. Furthermore, according the classifieds, agricultural property is being sold for \$1,000.00 per acre, so, based on the information he would suggest the Board have the Assessor's Office reevaluate the recent information about the property. Commissioner Kirkmeyer clarified the requested value of the parcels, to which Mr. McClain stated he hasn't come up with an exact number. Ms. Dones explained the Assessor's Office previously adjusted 15% due to the characteristics of the buildings.  Commissioner Kirkmeyer clarified if this is denied the petitioners can appeal to the State Board of Assessment of Appeals. Mr. McLain stated there are two (2) different approaches which need to be reconciled. Ms. Dones stated staff is willing to continue this for a later hearing, or they can deny the petition so it can be appealed to the State. Commissioner Cozad stated continuing this could delay action further. In response to Commissioner Conway, Millie Channel, Assessor's Office, stated the petitioners have already been compensated for the 15 to 30 percent reduction. Commissioner Kirkmeyer moved to amend the Resolution to correct the Account Number. The motion was seconded by Commissioner Cozad, and it carried unanimously. Commissioner Kirkmeyer moved to deny said petition for abatement or refund of taxes for Account R6411486. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES (R0840701) – BANK MIDWEST, N.A., COMMUNITY BANKS OF COLORADO, A DIVISION OF NBH BANK, N.A.: Ms. Dones stated staff recommends continuing this matter to June 18, 2018, to have additional time to clarify. Commissioner Conway moved to continue said matter to June 18, 2018. Seconded by Commissioner Freeman, the motion carried unanimously.


 4) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES (R1358002) – BANK MIDWEST, N.A., COMMUNITY BANKS OF COLORADO, A DIVISION OF NBH BANK, N.A.: Ms. Dones stated this is the same tax agent as the previous one and they would like to continue this matter. Commissioner Freeman moved to continue said matter to June 18, 2018. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 5) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES (R2941304) – WELD COUNTY BANK, COMMUNITY BANKS OF COLORADO, A DIVISION OF NBH BANK, N.A.: Ms. Dones stated staff recommends continuing said matter. Commissioner Cozad moved to continue said matter to June 18, 2018. Seconded by Commissioner Conway, the motion carried unanimously.


 6) CONSIDER TEMPORARY ASSEMBLY PERMIT – FRANK’S RIDE FOR CHILDREN, FBO MAKE-A-WISH FOUNDATION OF COLORADO, INC.: Mr. Haug presented the application for a temporary assembly permit and stated there have been no referral concerns for the event. Commissioner Freeman moved to grant said temporary assembly permit. Seconded by Commissioner Cozad, the motion carried unanimously.

 7) CONSIDER RENEWAL APPLICATION FOR 3.2 PERCENT BEER OFF-PREMISE (COUNTY) RETAIL LICENSE AND AUTHORIZE CHAIR TO SIGN – CIRCLE K STORES, INC., DBA CIRCLE K STORE #2709846: Mr. Haug presented the terms of the renewal application and noted there have been no concerns expressed by staff. He explained the facility which was suspended is not located in Weld County. Commissioner Freeman moved to grant said application and authorize Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 8) CONSIDER CONTRACT ID #1808 AGREEMENT FOR COMMUNICATIONS TOWER AND SITE LICENSE AND AUTHORIZE CHAIR TO SIGN – WELD AMATEUR RADIO SOCIETY (WARS): Roy Rudisill, Director of the Office of Emergency Management, presented the agreement for a communication tower and site license to utilize the Weld Amateur Radio Society communications equipment and store equipment at the La Salle radio tower. He stated this is used for emergency communication by the Office of Emergency Management. In response to Chair Moreno, Mr. Rudisill stated there is no cost. 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 AGREEMENT PURSUANT TO SECTION 30-11-123, C.R.S., AND AUTHORIZE CHAIR TO SIGN – OWENS-BROCKWAY GLASS CONTAINERS, INC.: Don Warden, Director of Budget Finance and Administration, presented the personal property tax credit for Owens-Illinois located in Windsor, Colorado. He explained they produce beer bottles and would like to upgrade the aging facility with an initial investment of \$3,757,000.00 and \$30,000,000.00 in the next two (2) years. The amount of tax credited back after a ten (10) year period is \$47,619.00. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 10) CONSIDER CONSTRUCTION AGREEMENT FOR GOVERNMENTAL ENTITIES AND AUTHORIZE CHAIR TO SIGN – PUBLIC SERVICE COMPANY OF COLORADO, DBA XCEL ENERGY: Mr. Haug presented the agreement with Xcel to complete an upgrade to a transformer for the natural gas facility as part of the new gas line for \$15,000.00. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.


 11) CONSIDER PETITION FOR ANNEXATION AND AUTHORIZE CHAIR TO SIGN – TOWN OF HUDSON: Bruce Barker, County Attorney, explained this petition is follow up to the agreement the Board has with the Town of Hudson concerning CR 49. The Board agreed to annex to the Town of Hudson, silvers of right-of-way for a total of three (3) annexations. Commissioner Kirkmeyer moved to approve



said petition for annexation and authorize Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 12) CONSIDER REAPPOINTMENT TO WELD COUNTY BUILDING TRADES ADVISORY COMMITTEE: Commissioner Cozad moved to approve said reappointment. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 13) CONSIDER APPOINTMENT AND REAPPOINTMENT TO CHILD PROTECTION CITIZEN REVIEW PANEL: Commissioner Kirkmeyer moved to approve said appointment and reappointment. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 14) CONSIDER APPOINTMENT TO ISLAND GROVE PARK ADVISORY BOARD: Commissioner Conway moved to approve said appointment. The motion was seconded by Commissioner Cozad, and it carried unanimously.



 15) CONSIDER APPOINTMENT TO WELD FAITH PARTNERSHIP COUNCIL: Commissioner Cozad moved to approve said appointment. Seconded by Commissioner Conway, the motion carried unanimously.


 16) CONSIDER APPEAL OF THE DECISION BY THE PURCHASING DIRECTOR TO DENY PROTEST OF THE AWARD OF CONTRACT TO ROCHE CONSTRUCTORS, INC., FOR BID #B1800059, JAIL 2 WEST EXPANSION (DESIGN/BUILD) – BRYAN CONSTRUCTION, INC.: Karl Berg, representative of Bryan Construction, Inc., introduced Scott Bryan, Chief Executive Officer, and other employees of Bryan Construction, Inc. Mr. Bryan explained the process of putting bid packages together is time consuming and very costly. He explained since Bryan Construction, Inc., has extensive experience with building jails and prisons, has built several projects for the Colorado Department of Corrections, and the most recent project completed was the maximum-security prison, in Canyon City, Colorado. Mr. Bryan stated they are doing a project for the Denver County Jail. He stressed this is a team proposal and he presented his company's portfolio. He further stated he believes this was not a traditional bid project because of how the bid process was accomplished. Mr. Bryan stated this was a true design/build best value project with an extensive package submitted and an interview that was conducted. He stated Weld County staff completed a comprehensive, detailed and fair process, and he reviewed the scoring process and the matrix that staff used to score the firms who presented bids. He stated Bryan Construction, Inc., out-performed the request of the bidders' scoring a 90% and Roche Construction scored a 59%. He added it wasn't noted on the Request for Proposal (RFP) stating only Weld County contractors would be considered, nor was it listed as criteria on the Cost Benefit Analysis worksheet. He expressed frustration with the for overturning the staff's recommendation and awarding to Roche Construction. He explained Bryan Construction, Inc., has over 28 projects in Weld County and they have employees who reside in Weld County.  Mr. Berg reiterated the comments made by Mr. Bryan in a legal manner, stating Commissioner Conway referred to the Home Rule Charter as a basis for his decision and Bryan Construction, Inc., received a letter notifying them that they were not the lowest qualified bidder and as such were disqualified. Mr. Berg stated the bid requirements should be competitive in cost and quality. He stated during the approval process, Weld County staff raised concerns about the experience of Roche Construction. Mr. Berg reviewed the evidence which confirms Bryan Construction, Inc., is the choice for the Design-Build project. He stated he doesn't believe Roche Construction was competitive in price, nor quality, and suggested the award should be withdrawn or rescinded. Chair Moreno stated he appreciates the appeal process and commented the bid was awarded to Roche Construction, who is the original builder of the jail and subsequent expansions. Mr. Berg stated Chair Moreno made a personal judgement and wasn't the criteria in the bid process. Mr. Barker suggested staff review the process and


the three (3) items which were detailed in the appeal. Mr. Berg stated the bid process is described in Section 5-4-60, but he believes the process should follow Section 5-4-150.  Commissioner Kirkmeyer reviewed the three (3) issues identified in the appeal: 1) criteria were included for an evaluation, 2) a fee based proposal based on qualifications, and 3) there was no firm price identified. In response to Commissioner Kirkmeyer, Mr. Berg confirmed on the Request for Bid, page 14, subsection G., specially outlines the evaluation criteria. He stated the Home Rule Charter provision should not apply, because he believes it wasn't a bid process but a fee proposal for 3% of the budget costs. In response to Commissioner Kirkmeyer, Mr. Berg clarified the Board has discretion, but a RFP must follow the criteria to be in good faith with the award. Mr. Bryan clarified in the bid documents the criteria doesn't state it will be awarded to only Weld County residents.

 Toby Taylor, Director of the Department of Buildings and Grounds, explained the bid process and stated he believes there are misinterpretations about some of the pieces of the bid. He stated there isn't language in the documents which refer to this as a Qualification-Based Project (QBP). During a work session, the Board asked to have a review of the vendors qualifications and the matrix was not used to disqualify the bidders but to rank the bidders as far as the criteria listed. He stated the document was published as a bid and was awarded to the low qualified bidder. In response to Commissioner Freeman, Mr. Taylor explained staff used only the cost benefit analysis and it recommended Bryan Construction, Inc.


Commissioner Conway stated the Home Rule Charter, gives preference to companies located in Weld County. Mr. Taylor stated the low bidder was qualified and so the Home Rule Charter did not apply. In response to Commissioner Kirkmeyer, Mr. Taylor explained it is not necessary to have a bid bond with every project. The bid bond is an agreement to abide by the bond and complete the project. Mr. Taylor stated there is a performance bond and reiterated this was not a qualification bid. Mr. Berg stated there is a statute which states having a bid bond is not discretionary for public entities.


 Mr. Barker clarified the items the Board reviewed are in Section 5-4-60.C.7, and he asked if price was used as a decision-making criteria. In response to Commissioner Cozad, Mr. Barker stated not having the bid bond required as part of the qualifications, is not necessary, but it should be part of the contract. Mr. Barker stated the Board has any right to reject the bid, and it is at the discretion of the Board to not follow staff's recommendation.  In response to Commissioner Kirkmeyer, Mr. Taylor stated on a project of this size staff will conduct an interview process or they have options to do so. Commissioner Kirkmeyer stated maybe a RFQ should have been done instead RFP. Mr. Taylor explained how the bid process takes place and staff only awarded the design phase if the Board is not satisfied with the design build part they could be rebid for the construction part. Commissioner Kirkmeyer clarified the Board was presented with a contract for a design with the option to build.


 In response to Commissioner Kirkmeyer, Mr. Warden clarified the process of the bid which is selecting the designers as well as the construction company for the build. He stated the bid is to find a company who will bid to subcontractors and allow the Board to vote. In response to Commissioner Kirkmeyer, Mr. Warden stated the company would look at ways to save money during the construction process.


 In response to Commissioner Cozad, Mr. Warden stated Qualified Based is in the purchasing code to deal with Professional Services, but Federal guidelines stated the qualified bid can only be used for architectural and engineering services but the bid is requesting more such as construction management. Mr. Warden disagrees with the requirements about an interview process and suggested if there needs to be clarification about the bid there should be follow up questions; furthermore, doesn't agree with the


relevance of Section 5-4-60, the intent wasn't a qualified based bid, that section of the code pertains to projects for the Department of Public Works, such as engineering and survey work. Mr. Warden stated the documents are clear that this is a bid. In response to Commissioner Kirkmeyer, Mr. Barker the Code doesn't say anything about not being able to conduct an interview, so it is at the discretion of the Board. Mr. Warden stated the interview process depends on the situation and if there needs to be clarifying questions. Commissioner Cozad stated cost was part of the decision-making and when the numbers were close the Board asked staff to complete the matrix and Cost Benefit Analysis and part of that was to conduct an interview; because of this she believes it still falls under the bid process.


 Mr. Bryan stated when procuring architectural services, a qualification-based process should be used and price was part of the bid. He still believes this was not a bid process.

 (Clerk's Note: The Board recessed at 11:15 and reconvened at 11:21)


 Mr. Barker stated Roche Contractors, Inc., will need to stick to the three (3) issues of the appeal as presented to the Board by Bryan Construction, Inc., specifically about the price, which section does it apply to, and was it applied properly.


 Tom Roche, Roche Constructors, Inc., explained this process is consistent with the bid process he has experienced in last twenty (20) years, and stated the Board is hiring an entire team. He stated after the bid was awarded, staff did ask Roche Contractors, Inc., questions, but it wasn't an interview.

 Mr. Berg stated if this was really a bid process, there would be no need for interview questions. The RFP lists the evaluation criteria. Mr. Bryan reiterated during the work session there was a discussion about qualifications, and staff's recommendation for awarding to Bryan Construction, Inc., was based on the Cost Benefit Analysis.


 Commissioner Kirkmeyer recommended continuing this matter so the County Attorney can address some legal questions. After further discussion, Commissioner Kirkmeyer moved to continue this matter to May 16, 2018. The motion was seconded by Commissioner Freeman, which carried unanimously.


PLANNING:

 1) CONSIDER FEE SCHEDULES FOR ROAD IMPACT, COUNTY FACILITY IMPACT AND DRAINAGE FEES COLLECTED BY THE WELD COUNTY DEPARTMENT OF PLANNING SERVICES: Tom Parko, Director of the Department of Planning Services, reviewed the 3.4% rate of inflation increase of fee amounts. In response to Commissioner Conway, Mr. Parko stated the last three (3) years fees were adjusted by 2.7%. Mr. Warden explained the fees come from the Department of Local Affairs (DOLA) for 2017, for the Tabor adjustment each year. Commissioner Cozad moved to amend the effective date on the resolution to May 14, 2018. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Cozad moved to approve said fee schedules. Seconded by Commissioner Freeman, the motion carried unanimously.

 2) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY ACCESS PERMIT FOR PLANNED UNIT DEVELOPMENT FINAL PLAN, PUDF18-0001, SERENITY VIEW ESTATES – H & K INVESTMENTS, LLC: Dawn Anderson, Department of Public Works, presented the appeal from H & K Investments, LLC, concerning Serenity View Estates, which is a nine (9) lot Planned Unit Development (PUD) located on County Road 84, just east of County Road 15. She reviewed the history of the PUD and stated the plat was never recorded. The application came forth when the new owner requested a paving variance, which was granted by the Board. She stated in

February 2018, the Emergency Access was removed when the PUD was recorded. Public Works staff received a request to move the access point 30 feet to the east to align with an existing access point on the south side of the road. She stated staff received a referral from the Poudre Fire Authority and the access point needs to comply with the fire code. She reviewed the requirements of the fire code regarding the length of the dead-end roads and how many access points will be required. Ms. Anderson stated staff was on site and it meets all safety and site distance requirements, and County Road 84 is designated as a local road, and she displayed photos of the roads and access points. In response to Commissioner Kirkmeyer, Ms. Anderson stated there were no requirements of an emergency access, nor the paved surface, from the Poudre Fire Authority when the original PUD was approved in 2017. Commissioner Freeman stated the reason the Board waived the paving requirement is because of the gravel roadway.

 In response to Commissioner Cozad, Jose Gonzales, Department of Building Inspection, stated the requirement for three (3) accesses comes from the 2012 Fire Code. Mr. Gonzales stated if the second access is allowed, they will waive the requirement to sprinkle the homes. In response to Commissioner Kirkmeyer, Mr. Barker explained the Board consents to Enforcement of the Fire Protection District and it is the Board's responsibility to determine accesses and interior road surface. She stated she does not agree with the Fire District dictating how to access County roads.

 Todd Annand, representative of H and K Investments, LLC, reviewed the history of the request based on conversations with the Fire Protection District which agreed to waive the requirement for sprinkler systems if they are granted an emergency access. He submitted a letter to the Fire Protection District stating the access will not be available for the public, and would have a key code requirement. Mr. Annand stated it is important for them to have a second access for emergency accessibility. Commissioner Freeman agreed it makes sense to have a second access available in case the first one is blocked. Commissioner Cozad suggested having the access in the middle of the cul-de-sac. Mr. Annand stated the middle section is dedicated for surface rights for oil and gas production. Commissioner Kirkmeyer moved to grant the Appeal and direct staff to issue an access permit for emergency Only. 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 11:57 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 MAY 16, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 16, 2018, at the hour of 9:00 a.m.

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


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

Also present:


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

 **MINUTES:** Commissioner Cozad moved to approve the minutes of the Board of County Commissioners meeting of May 14, 2018, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

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

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


PROCLAMATIONS:

 1) OLDER AMERICANS WEEK – MAY 20-26, 2018: Chair Moreno read the proclamation acknowledging the active role Weld County takes in engaging and supporting older adults, their families, and caregivers. Eva Jewell, Department of Human Services, accepted the proclamation on behalf of her staff and thanked her staff for their hard work. Each of the Commissioners thanked the staff for supporting seniors within the community and providing resources. Commissioner Cozad recognized the Area Agency on Aging Board for their dedication, involvement and support of seniors of Weld County. Commissioner Kirkmeyer thanked the Area Agency on Aging Board for their active participation, Commissioner Cozad for involvement and the seriousness she takes in her appointment by the Governor. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


PRESENTATIONS:


 1) RECOGNITION OF SERVICES, SHERIFF'S OFFICE – MARK JOHNSON: Chair Moreno read


the certificate recognizing Mr. Johnson's dedicated service to the citizens of Weld County. Steve Reams, Sheriff, presented Mr. Johnson with a plaque and pin and stated he will be missed and congratulated him on his retirement. Mr. Johnson thanked everyone for supporting him, including his family. Each Commissioner thanked him for his accomplishments at Weld County and all the lives he touched. They thanked him for the four (4) decades of service to the citizens of Weld County and thanked his family. John Cooke, Senator and former Sheriff, and Ed Jordan, former Weld County Sheriff, stated Mr. Johnson is really a public servant and they are proud to have had the opportunity to work with him. Sheriff Reams recognized Mr. Johnson's wife, Jill Johnson, for her support of her husband. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


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


BIDS:


 1) APPROVE BID #B1800087, F5 MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the three (3) bids received and stated staff recommends awarding the most qualified low bid to CDW-G, LLC, for the amount of \$31,006.49. He reported there was an error on the bid proposal from Global Technology Resources, Inc.,. Commissioner Cozad moved to approve said bid as recommended by staff. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) APPROVE BID #B1800095, POLYCOM VIDEO ARRAIGNMENT MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the two (2) bids received and stated staff recommends awarding to the low bidder, Solutionz Conferencing, for the amount of \$15,988.00. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 3) PRESENT BID #B1800102, EMC AVAMAR CAPACITY LICENSING – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the three (3) bids received and stated staff will bring back a recommendation on May 30, 2018.


 4) PRESENT BID #B1800105, CISCO MAINTENANCE RENEWAL 2018-2019 – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the four (4) bids received and stated staff will bring back a recommendation on May 30, 2018.


 5) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (SE1/4, S23, T7N, R63W – 160 ACRES): Barb Connolly, Controller, presented the sole bid for 160 mineral acres from Aztec Exploration, LLC, for the total bonus amount of \$452,480.00. Commissioner Freeman moved to approve said lease to Aztec Exploration, LLC, and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 6) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (SW1/4, S23, T7N, R63W – 160 ACRES): Ms. Connolly presented the sole bid for 160 mineral acres from Aztec Exploration, LLC for the total amount of \$452,480.00. Commissioner Conway moved to approve said lease to Aztec Exploration, LLC, and authorize Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 7) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (N1/2, S27, T10N, R60W – 320 ACRES): Ms. Connolly presented the sole bid for 320 mineral acres from Rocky Mountain Hydrocarbon, LLC, for the total amount of \$416,000.00. Commissioner Cozad moved to


approve said lease to Rocky Mountain Hydrocarbon, LLC, and authorize Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 8) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (N1/2 SW1/4, S27, T7N, R63W – 480 ACRES): Ms. Connolly conducted an oral auction for 480 mineral acres, between the two (2) bidders. Commissioner Conway moved to approve said lease to Aztec Exploration, LLC, for \$5,600.00 per mineral acre, and a total bonus amount of \$2,688,000.00, and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 9) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (SE1/4, S9, T3N, R68W – 18.30 ACRES): Ms. Connolly conducted an oral auction for 18.30 mineral acres between the two (2) bidders. Commissioner Cozad moved to approve said lease to Grizzly Petroleum Company, LLC, for \$6,252 per mineral acre, and a total bonus amount of \$114,411.60, and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 10) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (S1/2 SW1/4, S33, T10N, R60W – 80 ACRES): Ms. Connolly presented the sole bid for 80 mineral acres, from Rocky Mountain Hydrocarbon, LLC, for the total bonus amount of \$104,000.00. Commissioner Freeman moved to approve said lease to Rocky Mountain Hydrocarbon, LLC, and authorize the Chair to sign. The motion, which was seconded by Commissioner Cozad, carried unanimously.


OLD BUSINESS:


 1) CONSIDER APPEAL OF THE DECISION BY THE PURCHASING DIRECTOR TO DENY PROTEST OF THE AWARD OF CONTRACT TO ROCHE CONSTRUCTORS, INC., FOR BID #B1800059, JAIL 2 WEST EXPANSION (DESIGN/BUILD) – BRYAN CONSTRUCTION, INC. (*CONT'D FROM 5/14/2018*): Commissioner Cozad stated she supports the bid as approved and the denial of Bryan's and stated appeal of the decision by the Purchasing Director. She presented the evidence for her decision, this was a bid process, as it was identified in the documentation distributed to the potential bidders, which meets the requirements in the Code under the formal bid process. She stated Roche Constructors, Inc., meets all the qualifications, their past performance is important and they are the low bidder. She further stated, in the Code, it states the Commissioners will give preference to resident bidders, which are competitive in price and quality. Commissioner Conway concurred with the comments presented by Commissioner Cozad, and he agrees with awarding the original bid to Roche Constructors, Inc., and denying the appeal. Chair Moreno stated he also concurs with the statements made by Commissioner Cozad and he supports awarding to low bidder, Roche Construction, Inc., because he has confidence the original builder of the jail will continue to perform satisfactorily. Commissioner Kirkmeyer stated she supports the other Commissioners' comments and explained the Board had to examine the three (3) issues presented to ensure the Board acted in good faith, when awarding the bid. Commissioner Freeman stated he believes the Board followed the bid process and he supports the decision to deny the appeal. Commissioner Cozad moved to deny said appeal. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Conway stated the Board values and acknowledges all the work of participating in the bid process and he looks forward to future bid involvement from Bryan Construction, Inc.


NEW BUSINESS:


 1) CONSIDER ADDITIONS TO SECTIONS 2.000 CHILD WELFARE, 5.000 GENERAL ASSISTANCE, AND 7.000 CHILD SUPPORT OF THE DEPARTMENT OF HUMAN SERVICES OPERATIONS MANUAL: Jamie Ulrich, Deputy Director of the Department of Human Services, reviewed the updated sections of the policies for the Department of Human Services. Commissioner Freeman


moved to approve said additions to Sections 2.000, 5.000, and 7.000. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 2) CONSIDER CONTRACT ID #1713 AGREEMENT FOR CHILD PROTECTION SERVICES AND AUTHORIZE CHAIR TO SIGN – JACOB FAMILY SERVICES, INC., DBA THE JACOB CENTER: Ms. Ulrich presented the agreement with Jacob Family Services, Inc., dba The Jacob Center, for supervised parenting time. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 3) CONSIDER CONTRACT ID #1749 AGREEMENT FOR CHILD PROTECTION SERVICES AND AUTHORIZE CHAIR TO SIGN – FIELD OF OPPORTUNITY COUNSELING: Ms. Ulrich presented the terms for the agreement with Field of Opportunity Counseling to provide offense-specific treatment services to juvenile offenders and their families. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 4) CONSIDER CONTRACT ID #1729 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – STACEY OLSON: Ms. Ulrich presented the agreement with Stacey Olson to provide foster care services. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 5) CONSIDER CONTRACT ID #1731 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JAMES AND GARI DUNN: Ms. Ulrich presented the contract for foster care services for James and Gari Dunn. 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 #1728 AGREEMENT FOR RESPITE CARE SERVICES AND AUTHORIZE CHAIR TO SIGN – TANNIS AND DERICK JENNINGS: Ms. Ulrich reviewed the agreement for Tannis and Derick Jennings to provide respite care services. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.



 7) CONSIDER CONTRACT ID #1736 AGREEMENT FOR RESPITE CARE SERVICES AND AUTHORIZE CHAIR TO SIGN – JAMES AND GARI DUNN: Ms. Ulrich presented the agreement for James and Gari Dunn to provide respite care services. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.




 8) CONSIDER CONTRACT ID #1772 WORK PLAN EXPENDITURE AUTHORIZATION FOR APPRENTICESHIP USA STATE EXPANSION GRANT AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich reviewed the terms for the expenditure authorization, which assists under-represented groups with apprenticeship programs. Commissioner Freeman moved to approve said expenditure authorization and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 9) CONSIDER ACCEPTANCE OF DEED OF DEDICATION FOR PUBLIC ROAD RIGHT-OF-WAY AND AUTHORIZE CHAIR TO SIGN – KENNETH LEWIS PARKER AND SHARRON B. PARKER REVOCABLE TRUST, AND ROBERT PARKER: Bob Choate, Assistant County Attorney, presented the



Deed of Dedication the property owners are asking the Board to accept for a Public Road Right-of-Way. He stated the property owner submitted an application for a Recorded Exemption and excluded the lot on the east side of the ditch, and after review, it was discovered if it were deeded, it would create a legal parcel boundary. He stated the Deed of Dedication will clarify the Right-of-Way use, and the Department of Public Works is satisfied with the information the applicant's surveyor submitted. In response to Commissioner Kirkmeyer, Mr. Choate reviewed the length of the road the County has been maintaining that follows the eastern edge of the property line and goes along County Road 19. Trevor Thiel, representative of Kenneth Lewis Parker and Sharron B. Parker Revocable Trust, and Robert Parker and Gary Hammer, surveyor for the Parkers, were present and stated they didn't have any further comments. Commissioner Freeman moved to accept said Deed of Dedication and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 10) CONSIDER TEMPORARY CLOSURE OF CR 68 BETWEEN STATE HIGHWAY 392 AND CR 61: Amy Joseph, Department of Public Works, reviewed the details of the request from Lawrence Construction Company for a temporary closure beginning May 21, 2018, through September 17, 2018, for the replacement of Bridge 68/59A. She stated message boards will be used seven (7) days in advance of the closure and all gravel roads within the detour route will be treated with magnesium chloride for dust abatement. Commissioner Cozad moved to approve said temporary closure. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

 11) CONSIDER DUST BLOWING CITATION PURSUANT TO SECTION 35-72-103, C.R.S. – MILE 250, LLC, C/O BOB ERLICH: Frank Haug, Assistant County Attorney, explained the procedures and the three (3) step process for the Board to issue a dust blowing citation. He stated the complaints are coming from the 80 acres on the west side of the property. He stated there are several findings the Board must make, as listed on the resolution, if they decide to issue a citation. He stated the property owner has been cooperative and is trying to fix the problem, stated the majority of the complaints occurred during the high wind events in the month of April, 2018.  James Taloumis, Department of Public Health and Environment, reviewed the background information of the property and displayed photos. He stated the complaints came from the west parcel, which is 80 acres, and this property is zoned as C-4 (Commercial) Zone District and there is a SPR-306 on the property. Mr. Taloumis explained the property was last used in November, 2017, as a motor cross track and is vacant now. Mr. Taloumis described Fugitive Dust as the finer dust particles which are hard for the body to filter and can cause health issues. He then presented the dust regulations and methods to evaluate fugitive dust, but if the wind is over 30 mph it isn't taken into consideration. He stated staff has received five (5) complaints on days when the wind was over 80 mph. He reviewed photos from the complaints showing the impacts of the fugitive dust. In response to Commissioner Cozad, Mr. Taloumis stated some of the lots in the subdivision are not landscaped and there is a large lot without vegetation. In response to Commissioner Freeman, Mr. Taloumis stated the complaints received are on days the wind was in excess of 80 mph. Mr. Taloumis stated the Colorado Department of Public Health and Environment (CDPHE) doesn't evaluate dust conditions if the winds are over 30 mph.

 Mr. Haug clarified if there is a nuisance to the adjacent neighbors, then the Board must use the guidelines from Statute 35-72. Commissioner Kirkmeyer stated there is no sand along the fence line, next to the garages or in the doorway. Mr. Taloumis showed photos of April 16, and 17, 2018, displaying the impacts on the properties.  In response to Commissioner Conway, Mr. Haug clarified the State code language states if there is more than a 30-mph wind and the fugitive dust is causing property damage, the Board can proceed with action. Mr. Barker referred to the findings and order and stated this is primarily found on agricultural properties. In terms of dust regulations, the Department of Public Health and Environment has certain standards that deal with emissions. He explained one element that is a concern for the Board is finding if an emergency exists.  Mr. Haug stated the property owners is

working with the Big Thompson Soil Conservation District to seed 180 acres of barren land and get some vegetation on the parcel to combat the dust. He stated this is the option available when there are multiple complaints about fugitive dust. Commissioner Cozad stated the motorcycle track has been there for years and now it is next to Residential zoning approved by the Town of Berthoud. Commissioner Kirkmeyer stated if the property owner is willing to work with the County to address the situation, from what has been presented, the Board can't determine that an emergency exists. Mr. Haug suggested giving the property owner time to replant vegetation to remedy the fugitive dust situation and for the soil conservation district to come up with a plan. Commissioner Cozad clarified the Town of Berthoud approved Residential zoning next to C-4 (Commercial) zoning and the motor cross track has not been operating and the ownership has changed.

 Bob Erlich, resident of Milliken, stated he purchased this parcel a year and a half ago and began killing all the noxious weeds, after he received a notice from the County. He stated he was contacted by Berthoud's Town Administrator about letting them run a sewer line through his property and they are waiting for the Town of Berthoud to complete the reclamation. Then he stated Extraction Oil and Gas contacted him to drill six (6) new wells, removed the remaining vegetation and exposed more ground. He explained they built a dirt berm as a sound barrier from the motor cross track for Serenity Ridge. Mr. Erlich presented a photo taken on April 17, 2018, which showed how bad the blowing dust was. Commissioner Conway stated there were multiple car accidents and six (6) semi-trucks blown over on that day and the dirt in the area wasn't all from Mr. Erlich's property.  Commissioner Kirkmeyer stated she does not believe the amount of blowing soil is of a sufficient quantity to be injurious to private property and does not believe an emergency exists. She further stated the operation has been in existence for more than one (1) year, is not a nuisance, and the property owner is not being negligent. She expressed her appreciation for Mr. Erlich is working to be a good neighbor, and then moved to dismiss the dust blowing citation. The motion was seconded by Commissioner Conway. Commissioner Kirkmeyer thanked Mr. Erlich for the work he has done on the property and requested he continue to be a good neighbor. Commissioner Conway also thanked Mr. Erlich for being a good neighbor and for doing the right thing. Commissioner Cozad thanked Mr. Haug and Mr. Taloumis for their quick response to the complaints and the work they did with the neighbors and Mr. Erlich.

 Larry Lempka, representative of Big Thompson Soil Conservation District, stated they will try and get the Town of Berthoud and Extraction Oil and Gas to come back and do the reclamation of the property. He explained the developer has not completed the one space in Serenity Ridge, so they have a noxious weed and blowing dirt issue. After further discussion the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 10:47 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 MAY 21, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 21, 2018, at the hour of 9:00 a.m.


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

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


Also present:


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

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


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


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

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


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


BIDS:

 1) PRESENT BID #B1800099, JAIL BOILER REPLACEMENT – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, reviewed the two (2) bids received and stated staff will bring back a recommendation on June 4, 2018.


 2) PRESENT BID #B1800077, CR 87 ROAD IMPROVEMENTS BETWEEN SH 34 AND CR 46.5 – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the five (5) bids received and stated staff will back a recommendation on June 4, 2018.


OLD BUSINESS:


 1) RENEWAL APPLICATION FOR 3.2 PERCENT BEER ON-PREMISE (COUNTY) RETAIL LICENSE – ANA M. LUCERO, DBA POLLO FELIZ (*CONT'D FROM 5/14/2018*): Frank Haug, Assistant County Attorney, reviewed the renewal application process. He reported the applicant has had two (2) suspensions within the last year, and indicated the second suspension was because she did not serve the first suspension. Mr. Haug presented the Board with the options to renew or not renew the application.


 Ana Lucero, owner of Pollo Feliz, stated because of the language barrier she doesn't understand the letters, but now her accountant reads the letters. Commissioner Cozad expressed her concerns with Ms. Lucero staying in compliance with her permit. Chair Moreno clarified that Ms. Lucero stated she has held the liquor license for two (2) years. Commissioner Kirkmeyer stated it is Ms. Lucero's responsibility to make sure she follows the rules and stays in compliance with her license. Commissioner Conway moved to renew the license and the motion was seconded by Commissioner Freeman. Commissioner Conway stated it is important she follow the necessary steps to stay in compliance. Commissioner Cozad stated she supports the motion, but she has concerns and Ms. Lucero should follow the rules and make sure she stays in compliance without receiving a letter. There being no further discussion, the motion carried unanimously.


NEW BUSINESS:


 1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES – OTTO FUCHS DRILLING SOLUTIONS, INC.: Brenda Dones, Assessor's Office, stated staff is recommending a tax abatement of \$11,441.45, for tax year 2017. Commissioner Cozad moved to approve said abatement of taxes. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) CONSIDER CONTRACT ID #1812 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – MOUNTAIN VIEW FIRE RESCUE: Mike Wallace, Director of the Department of Public Safety Communications, presented the amendment to the user agreement for wireless radio services, which included radio maintenance and programming for Mountain View Fire Rescue. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.



 3) CONSIDER CONTRACT ID #1817 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – PAWNEE FIRE PROTECTION DISTRICT: Mr. Wallace reviewed the terms of the amendment to the user agreement for Pawnee Fire Protection District. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.


 4) CONSIDER CONTRACT ID #1820 USER SERVICES AGREEMENT FOR FRONT RANGE COMMUNICATIONS CONSORTIUM MASTER CORE SWITCH AND AUTHORIZE CHAIR TO SIGN – UNIVERSITY OF NORTHERN COLORADO: Mr. Wallace presented the terms of the user agreement for the University of Northern Colorado Police Department. Commissioner Cozad moved to approve said agreement and authorize Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 5) CONSIDER TEMPORARY CLOSURE OF CR 35 BETWEEN CRS 38 AND 40: Amy Joseph, Department of Public Works, presented the temporary closure beginning June 4, 2018, through June 29, 2018, for bridge maintenance and a re-deck. She water will be used for dust abatement on the gravel detour routes. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 6) CONSIDER TEMPORARY CLOSURE OF CR 70 BETWEEN CRS 41 AND 43: Ms. Joseph reviewed the details of the temporary closure beginning June 5, 2018, through June 8, 2018, for the replacement of a drainage culvert. She stated water will be used for dust abatement. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

PLANNING:

 1) CONSIDER RECORDED EXEMPTION, RECX18-0032 – KENNETH AND BECKY PENNINGTON: Ryder Reddick, Department of Planning Services, presented the proposal for a two (2) lot Recorded Exemption. Mr. Reddick stated the applicants have already built a detached garage or shop, which they converted into a second residence for their aging mother who needs increased assistance due to medical conditions. He stated staff received a letter stating the landowners were not aware of the code provision put in place in 2010, and they would like to divide off four (4) acres on the north end of the property. He explained there is an active zoning violation on the property because of the shop building being used as a second residence without the proper permit. Mr. Reddick displayed slides of the proposed Lot A, and stated there isn't anyone currently residing in the shop.  Ken Pennington, property owner, explained how the four (4) acres will look when they are split and stated they always intended to build another home on their property. Commissioner Conway clarified the owners were not aware of the code change until they addressed the zoning violation. Mr. Pennington stated they have owned the property since 2007, and were not aware of the code change, but always intended on splitting the parcel. Commissioner Kirkmeyer stated not being aware of a code change does not qualify as an extenuating circumstance and confirmed the split could be done by completing a USR. Becky Pennington, applicant stated their mother has several health issues and needs to live close. Commissioner Kirkmeyer stated her findings and moved to approve said Recorded Exemption. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) CONSIDER RECORDED EXEMPTION, RECX18-0025 – BARBARA MCMILLAN AND JANET SWANK: Michael Hall, Department of Planning Services, presented the request for a two (2) lot Recorded Exemption. He stated the applicants would like to subdivide the 52.5-acre parcel into two (2) equal lots. He stated both parcels are vacant. Mr. Hall explained Lot A has utilities in preparation for a house and Lot B is vacant with no utilities. He stated if the applicants would make Lot B larger than 35 acres planning staff would be able to approve the Recorded Exemption, according to the Code. Mr. Hall stated the Colorado Division of Water Resources has agreed to allow two (2) non-tributary wells and displayed photos of the property. Janet Swank, property owner, explained she and her sister bought this property 40 years ago with the intention of using it as a retirement property. Barbara McMillian, property owner, stated they have farmed this land for forty-two (42) years and believe the extenuating circumstances are she and her sister are aging and have family close by to care for them. Commissioner Kirkmeyer confirmed the applicants are willing to having a shared access. In response to Commissioner Kirkmeyer, Mr. Hall stated Condition of Approval #2.B requires a shared access. Commissioner Cozad stated her findings and moved to approve said Recorded Exemption. Seconded by Commissioner Conway, the motion carried unanimously. Commissioner Conway concurred with Commissioner Cozad's reasons for the hardship provisions. Commissioner Kirkmeyer suggested it is common sense to split the parcel into two (2) equal lots and allow the applicants to split the property equally.

 (Clerk's Note: The Board recessed the meeting at 9:56 a.m. and reconvened at 10:01 a.m.)

 3) CONSIDER PROBABLE CAUSE HEARING CONCERNING USE BY SPECIAL REVIEW PERMIT, USR12-0022 – ROBERT L. SELTZER FAMILY TRUST: Chris Gathman, Department of Planning Services, stated the original USR was approved by the Board, in 2012, and staff received complaints in July, 2017, but when staff visited the site they could not verify any commercial vehicle storage. Staff, however, determined the landscaping was dead, or not growing well, which means the applicant is not in compliance with Development Standards #1, 19, 25, and 26, of the USR. Mr. Gathman stated there were some cows that had eaten the trees. Since that time the property owner has replaced the trees which had died over the winter. He displayed the photo where the trees had been replaced and stated the owner is having trouble growing trees on the north side. Mr. Gathman clarified the landscaping is on the west side of the property, to the north of the entrance.  In response to Commissioner Conway, Mr. Gathman stated on May 7, 2018, he and the property owner reviewed the process of the landscaping.  Tim Seltzer, applicant, explained the trees were killed over the winter, so they replaced them. He stated he leased the land to a man who grazed his cows, and because of improper fencing, the cow ate all the ornamental grass and the trees. He stated they changed the trees to a hardier variety so they would grow faster and stronger. He does have a water service that comes twice a week to water the trees. He explained a representative from the Tree Farm stated the trees the cows ate are still viable and they could just plant new trees between them.  Louis Davis, attorney and representative of the applicant, stated they have been relying on the advice and expertise of the Tree Farm. In response to Commissioner Cozad, Mr. Gathman stated the landscaping has been planted, except in the area on the north side of the property. Mr. Seltzer stated they have maintained the landscaping, but his problem is during the winter. Commissioner Cozad reiterated it is the property owner's responsibility to maintain his landscaping, even though Mr. Seltzer received advice from a landscape expert. He stated he is at the property at least once a week and his business partner is on site every day. Commissioner Conway stated it is important the applicant is keeping in touch with the Planning Department.  Commissioner Freeman stated it was a good decision to switch to Austrian Pines because they are a hardier tree species. In response to Commissioner Kirkmeyer, Mr. Gathman stated the original landscaping plan listed Western Hackberry, Common Purple Lilac, Rabbit Brush and Spartan Juniper, but the only item planted from the landscaping plan is the Western Hackberry. Mr. Seltzer stated the Austrian Pines are bigger when planted, and the trees need to be watered twice a week and when the weather is hot they water the trees more. In response to Chair Moreno, Mr. Seltzer stated they keep a log on the watering of the trees.  Commissioner Conway stated the applicant is doing everything in his control, but he has run into some issues. Commissioner Kirkmeyer stated she is frustrated the landscaping is not providing the proper screening, and the applicant can control the cows and how much the landscaping is watered. Commissioner Freeman stated they need to allow time for the trees to grow, but it has been demonstrated that the applicant is trying to improve the landscaping.  Commissioner Cozad stated she is concerned how to mitigate the concerns of the neighbors, but she would be willing to dismiss this matter, because the applicants have made attempts to improve the screening. Chair Moreno stated the trees were planted in 2012, and this has been on-going for six (6) years and the lilac bushes would be as tall as the fence, if they were watered and maintained.  Commissioner Conway moved to dismiss the matter, which was seconded by Commissioner Freeman. Commissioner Kirkmeyer stated she will not support the motion and would like to see an approved landscaping plan. Commissioner Cozad stated there is Probable Cause because the landscaping has not been maintained and they are in violation of DS #25. She stated she would like to see an updated landscape plan that is approved by the Department of Planning Services.  Upon a roll call vote, Commissioner Conway's motion was denied three to two, with Chair Moreno, and Commissioners Cozad and Kirkmeyer opposed. Commissioner Cozad moved to set a Show Cause Hearing for October 29, 2018, at 9:00 a.m., and stated the landscaping on-site is

not consistent with the landscaping plan that was submitted to the Department of Planning Services; therefore, he is not in compliance with Development Standard #25. The motion was seconded by Commissioner Kirkmeyer, and upon a roll call vote the motion passed three to two, with Commissioner Conway and Freeman being opposed.

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 10:47 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

BY: _____
Deputy Clerk to the Board

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

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


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 23, 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 May 21, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.


 **READ ORDINANCE BY AUDIO:** Commissioner Cozad moved to read Code Ordinance #2018-04 by audio. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

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


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


PROCLAMATIONS:


 1) MEMORIAL DAY - MAY 28, 2018: Chair Moreno read the proclamation declaring May 28, 2018, as Memorial Day, which has been recognized since 1868 as a day to decorate the grave sites of fallen soldiers who paid the ultimate sacrifice for the freedom of citizens. He added Commissioner Kirkmeyer will be at Linn Grove Cemetery, Monday, May 28, 2018, at 9:00 a.m., to read the proclamation, on behalf of the Board.


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

NEW BUSINESS:



 1) CONSIDER CONTRACT ID #1737 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – RYAN AND KARA HAINES: Judy Griego, Director of the Department of Human Services, presented the agreement for respite services with Ryan and Kara Haines. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) CONSIDER CONTRACT ID #1754 AGREEMENT FOR PROFESSIONAL SERVICES FOR EARLY CHILDHOOD MENTAL HEALTH CONSULTATION (ECMH) AND AUTHORIZE CHAIR TO SIGN – NORTH RANGE BEHAVIORAL HEALTH: Ms. Griego reviewed the terms for the agreement to enhance recruitment initiatives to increase the number and enhance the quality of child care providers in Weld County. She stated North Range Behavioral Health will help address potential behavioral issues in children with in-home providers. In response to Commissioner Conway, Ms. Griego stated they will be reaching out to the families and work with the providers in their home. She indicated they will start with five (5) homes and add more each month with a goal to enlist about 30 more child care homes. Commissioner Kirkmeyer stated they have seen children as young as two (2) displaying behavioral problems and the hope is to be proactive in addressing issues with young children. Commissioner Cozad thanked Commissioner Kirkmeyer for her work on this issue. Ms. Griego stated this will be a team effort to try and give the children stability. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.




 3) CONSIDER CONTRACT ID #1768 AGREEMENT FOR SURVEY OF OLDER ADULTS AND AUTHORIZE CHAIR TO SIGN – NATIONAL RESEARCH CENTER, INC: Ms. Griego stated they will enhance the survey to make it specific to Weld County, and obtain two (2) additional reports for the areas of Carbon Valley and Erie and the total cost for the enhanced services is \$7,800.00. Commissioner Cozad stated this survey is important and the additional report will help with the four (4) year plan, and then moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 4) FIRST 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: Bob Choate, Assistant County Attorney, reviewed the first reading of the Code Ordinance 2018-04, which will clarify the procedures concerning the Probable Cause hearings. He stated the Code clarified that staff has the burden to present the evidence and not the complaining party. In response to Commissioner Conway, Mr. Barker stated it would give the Board the ability to allow the public to offer comment and it isn't different from the current procedure, it just states it for clarification reasons. In response to Commissioner Cozad, Mr. Barker stated the Department is the one who decides to proceed with a probable cause hearing. Commissioner Kirkmeyer stated it should be a shell, because if the evidence exists, then the department decides if the property owner will meet the development standard's. Commissioner Kirkmeyer stated she agrees there could be some language change made. Mr. Barker stated the language in the Code needs to apply to all departments and it comes down to the Board enforcing it's own regulations. Commissioner Cozad stated County employees are there to help people come into compliance and there could be unintended consequences of having numerous Probable Cause hearings. Mr. Barker suggested having a work session. No public input was offered concerning this matter. Mr. Choate additionally stated there is a typo in the code that will be addressed in the second reading. Commissioner Kirkmeyer moved to approve on first reading. The motion, which was seconded by Commissioner Freeman, carried unanimously.

PLANNING:

 1) ACTION OF THE BOARD AT PROBABLE CAUSE HEARING, PCSC18-0011, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR15-0051 – GABRIEL AND VELIA ROBLES: Kim Ogle, Department of Planning Services, stated, the applicant has held rodeo events outside the May through to October time periods as approved in their USR, not obtaining a Temporary Assembly Permit, waste materials on and off the site which is creating a nuisance situation, and the staging and parking vehicles on public roads. Mr. Ogle presented a timeline of the violations and displayed slides showing the location of the property. He stated the USR was approved December 15, 2015, and the Weld County Sheriff responded to a complaint on April 7, 2017, where there were more than 350 people on the site, without a Temporary Assembly Permit.  Larry Neugebauer, Sheriff's Office, reported on April 7, 2018, he was dispatched to the property because of a fight with weapons. He stated eight (8) other law enforcement agencies responded to the call to assist. Deputy Neugebauer stated the property owner did not have enough security for the large crowd of people. He noticed approaching the property there was a lot of trash and beer bottles on the road. He stated he spoke with the property owner about the number of security guards but was told the people visiting do not respect security guards, and vehicles were checked but not thoroughly for weapons. Deputy Neugebauer stated the property owner reported he will not check vehicles for alcohol and people bring their own alcohol. Deputy Neugebauer explained the adjacent neighbors' concerns are the loud music, reckless driving in close proximity of property and children, parties, drugs and safety. Mr. Robles has been cited a couple of times by the Sheriff's Office; however, he continues to hold the unpermitted events. In response to Commissioner Conway, Deputy Neugebauer confirmed he took the pictures with his cell phone and when he arrived there wasn't evidence that there was a rodeo event or a horse event.

 Gabriel Robles, property owner, explained when the Deputies showed up the rodeo was already over and he picks up the trash after every event, along the roads. He stated he was not aware that he had to have a Temporary Assembly Permit. He stated there were 400 people in attendance at his event. Commissioner Conway referred to the police report and stated he should get a permit for more than 350 people. Mr. Robles stated he was not aware that his USR required him to obtain a temporary assembly permit and it is hard to predict if there will be more than 350 people at his events.

 In response to Commissioner Kirkmeyer, Mr. Robles stated the events have not gone past 6:00 p.m., but it may take an hour longer for everyone to leave the property. He stated he hasn't updated the Emergency Action Plan. In response to Commissioner Kirkmeyer, Mr. Robles was present at the hearing for the USR and he understood the Development Standards.  Mr. Robles requested more time to seek legal advice.  Mr. Barker explained the process of obtaining legal counsel for the Probable Cause and Show Cause hearings'. Commissioner Conway clarified the Probable Cause hearing is the first step in the process.

 Commissioner Kirkmeyer made a motion to set the Show Cause hearing for June 18, 2018, at 9:00 a.m., and listed the Development Standards that are in violation as #3, 6, 7, 8, 12, 13, 23, 26, and 27. The motion was seconded by Commissioner Conway. Commissioner Kirkmeyer expressed her appreciation to the Sheriff's Office for responding to the calls for help and stated it doesn't sound like rodeo events are occurring, and that there are several Development Standards not being met. Commissioner Conway concurred with the comments made by Commissioner Kirkmeyer and from the testimony given by Mr. Robles, it appears this has occurred many times. Commissioner Conway expressed his frustration with the disrespectful way he treated law enforcement. He is disturbed by the testimony given by the Sheriff's Office. Chair Moreno concurred with the Commissioners' comments and thanked Deputy Neugebauer and all law enforcement for making sure people are complying with the law. Commissioner Cozad agreed with the other Commissioners and stated she is disappointed in the blatant disregard for law enforcement.

She stated the events he hosts on his property affects the adjacent neighbors and there is plenty of evidence to proceed to a Show Cause Hearing. Commissioner Freeman agreed with the other Commissioners' comments, and there being no further discussion, the motion carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-04 was approved on First Reading.

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

There being no further business, this meeting was adjourned at 10:04 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 MAY 30, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 30, 2018, at the hour of 9:00 a.m.


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

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


Also present:

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



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

 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on May 23, 2018, as follows: 1) USR18-0002 – Johnson Farms, LLP, c/o Kerr-McGee Gathering, 2) USR18-0017 – Stroh Family Trust, and OGG&S, LLC, c/o DCP Operating Company, LP, and 3) USR18-0018 – NCWYO Assets, LLC, c/o DCP Operating Company, LP. Commissioner Kirkmeyer 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) HIGHLAND HUSKIES DAY – MAY 30, 2018: Chair Moreno read the certificate for the record, recognizing the accomplishments of the Highland Huskies Girls Track Team at the Class 2A Track and Field Championships in Lakewood at Jefferson County Stadium.  Eric Lind, Highland Huskies Head Coach, expressed his appreciation to the Board for recognizing the accomplishments of the team. He stated there were 20 girls who competed. Each Commissioner congratulated Mr. Lind and the Highland Huskies Girls Track Team for their successful leadership and great representation of the school, Weld


County and the State. The Commissioners recognized the team for being the first-ever State Champion's which is quite an accomplishment. Commissioner Kirkmeyer thanked the parents of the girls and expressed her pride. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 2) STAN CASS DAY – JUNE 2, 2018: Chair Moreno read the certificate for the record recognizing the service of Mr. Cass who retired from active duty in the Army after 29, and then went on to helping his community. Commissioner Freeman acknowledged the leadership of Mr. Cass, his passion in helping his community, and his time as Mayor of the Town of Ault. Mr. Cass will be greatly missed and leaves a lasting legacy. The Board will honor Mr. Cass and his family on June 2, 2018.


 3) COMMEMORATING VETERANS OF THE VIETNAM WAR: Chair Moreno read the certificate for the record recognizing the service and dedication of the individuals who served in the military during the Vietnam War and represented their country honorably.


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


BIDS:


 1) APPROVE BID #B1800102, EMC AVAMAR CAPACITY LICENSING – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, reviewed the three (3) bids received and stated staff recommends awarding to the low bidder, Advanced Network Management, for the amount of \$41,598.34, which is part of the annual budget for maintenance. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 2) APPROVE BID #B1800105, CISCO MAINTENANCE RENEWAL 2018-2019 – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose reviewed the four (4) bids received and stated staff recommends awarding to the second low bidder, Insight Public Sector, Inc., for the amount of \$118,825.43. In response to Commissioner Conway, Mr. Rose stated the low bidder, MVation Worldwide, Inc., had submitted an incomplete bid, which disqualified them. Commissioner Freeman moved to approve said low qualified bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 3) PRESENT 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 will bring back a recommendation on June 13, 2018.


 4) PRESENT BID #B1800109, CRACK FILLER MATERIAL SUPPLY – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on June 13, 2018.


 5) PRESENT BID #B1800110, GRADER BLADES – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the seven (7) bids received and stated staff will bring back a recommendation on June 13, 2018.


 6) PRESENT BID #B1800108, SOUTH COUNTY LAWN MAINTENANCE – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the two (2) bids received and stated staff will bring back a recommendation on June 13, 2018.


NEW BUSINESS:


 1) CONSIDER CHANGE ORDER #2 FOR JAIL ELECTRONIC CONTROLS (BID #B1700060) AND AUTHORIZE CHAIR TO SIGN – CML SECURITY: Toby Taylor, Director of the Department of Buildings and Grounds, stated the contract requires that the network and components shall also be developed to allow for the addition and expansion of capabilities for the new jail addition. Commissioner Freeman moved to approve said Change Order #2 and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously. Commissioner Conway thanked Mr. Taylor for clarifying the need for the change order at the work session.


 2) CONSIDER GRANT APPLICATION FOR TITLE XX TRAINING AND AUTHORIZE DIRECTOR OF HUMAN SERVICES TO SIGN: Karin McDougal, Assistant County Attorney, reviewed the details of the application for child welfare training, in the amount of \$4,690.00. Commissioner Kirkmeyer moved to approve said application and authorize the Director of Human Services to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 3) CONSIDER CONTRACT ID #1756 MEMORANDUM OF UNDERSTANDING FOR HEALTH AND SAFETY EDUCATION AND CONSULTATION FOR CHILD CARE PROVIDER HOMES AND AUTHORIZE CHAIR TO SIGN – DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Ms. McDougal presented the memorandum of understanding with the Department of Public Health and Environment to increase the amount and quality of child care providers in the County. Commissioner Conway moved to approve said memorandum of understanding and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

 4) CONSIDER CONTRACT ID #1804 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – SARA HEIMER: Ms. McDougal presented the terms of the agreement for Sara Heimer to become a certified Foster Care Home. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 5) CONSIDER CONTRACT ID #1739 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – RYAN AND KARA HAINES: Ms. McDougal presented the terms of the agreement for Ryan and Kara Haines to be County certified Foster Care Home providers. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 6) CONSIDER CONTRACT ID #1780 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – MICHAEL AND SARA MATZKE: Ms. McDougal reviewed the agreement for Michael and Sara Matzke 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 Kirkmeyer, carried unanimously.


 7) CONSIDER CONTRACT ID #1711 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – JEFF TAYLOR AND ALEXANDER SILVA: Ms. McDougal presented the agreement for respite care services with Jeff Taylor and Alexander Silva to become certified Respite Care providers. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 8) CONSIDER CONTRACT ID #1784 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – KRISTEN WHITE: Ms. McDougal presented the agreement for Kristen White to provide respite services. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 9) CONSIDER CONTRACT ID #1825 AGREEMENT FOR SINGLE ENTRY POINT FOR LONG-TERM CARE SERVICES AND AUTHORIZE CHAIR TO SIGN: Ms. McDougal presented the agreement with the State of Colorado for the Area Agency on Aging to serve as the Single Entry Point for Long-Term Care patients to obtain information about services. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously. Commissioner Kirkmeyer commended Ms. McDougal for her role with House Bill 13-18 and drafting the language.

 10) CONSIDER RENEWAL APPLICATION FOR A LIQUOR STORE (COUNTY) LICENSE AND AUTHORIZE CHAIR TO SIGN – RLF, INC., DBA CJ'S LIQUORS: Frank Haug, Assistant County Attorney, presented the renewal application for a liquor store license and stated there were no concerns reported from the referrals. Commissioner Conway moved to grant the renewal application and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 11) CONSIDER CONTRACT ID #1821 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT: Walt Leslie, Department of Public Safety Communications, presented 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. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 12) CONSIDER APPOINTMENT TO WORKFORCE DEVELOPMENT BOARD: Commissioner Kirkmeyer moved to approve said appointment of Carol Brink to the Workforce Development Board. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 13) CONSIDER REAPPOINTMENTS TO NORTHEAST COLORADO REGIONAL EMERGENCY AND TRAUMA SERVICES ADVISORY COUNCIL: Commissioner Conway moved to approve said reappointments. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 14) CONSIDER REAPPOINTMENTS AND APPOINTMENTS TO BOARD OF PUBLIC HEALTH: Commissioner Kirkmeyer moved to approve said reappointments and appointments. The motion, which was seconded by Commissioner Conway, carried unanimously.

PLANNING:

 1) CONSIDER CONTRACT ID #1807 CANCELLATION AND RELEASE OF COLLATERAL FOR 5225 ESTATES PLANNED UNIT DEVELOPMENT, PUDF17-0002 – WAYNE HOWARD AND SHARYN FRASER: Evan Pinkham, Department of Public Works, presented the request for cancellation and release of the collateral, in the amount of \$54,500.00, associated with a water line. Esther Gesick, Clerk to the Board, explained the distinction between listing collateral items on the Regular Agenda and the Consent Agenda. Commissioner Kirkmeyer moved to cancel and release the collateral. Seconded by Commissioner Conway, the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:46 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 ON DATE OF APPROVAL
Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

EXCUSED
Julie A. Cozad

Mike Freeman