


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO OCTOBER 1, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, October 1, 2018, at the hour of 9:00 a.m.


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

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


Also present:

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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of September 26, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on September 26, 2018, as follows: 1) USR18-0055 – DCP Operating Company, LP, 2) USR18-0056 – DCP Operating Company, LP, and 3) USR18-0057 – DCP Operating Company, LP. Commissioner Conway seconded the motion, which carried unanimously.


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

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


PROCLAMATIONS:

 1) WELD COUNTY LONG-TERM CARE RESIDENTS' RIGHTS MONTH - OCTOBER, 2018: Chair Moreno read the proclamation recognizing the importance of Long-Term Care Residents being informed about their rights and engaging residents as partners in achieving quality care and quality of life. Jamie Ulrich, Deputy Director of the Department of Human Services, thanked the Commissioners for the proclamation because it is a very important aspect of Area Agency on Aging. Eva Jewell, Department of Human Services, recognized the important work of Raegan Maldonado and Teresa Hill, Ombudsman, and the emphasis on residents' rights and introduced Willard Johnson, resident of Life Bridge Assisted

Living Facility in Greeley, Colorado, and a World War II Veteran. Ms. Maldonado stated Mr. Johnson attends the Residents Council meetings. Mr. Johnson stated he was associated with the Colorado Farm Show for 30 years and thanked the City of Greeley and Weld County for the best Farm Show west of the Mississippi. Ann Waters, Resident Care Director, introduced Harley Rae, the Resident Care Assistant dog, who lives among the senior residents. Lori Follett, Executive Director at the Bridge Assisted Living, stated Mr. Johnson protects the residents and helps his neighbor who has macular degeneration and has a hard time navigating the hallways. Each Commissioner stated Senior care becomes part of everyone's lives at some point and expressed their appreciation to the people with the important job of taking care of the residents. Commissioner Cozad stated it is a very hard decision to make for your loved ones, but one of the most important, and thanked Ms. Maldonado and the Area Agency on Aging staff for being an advocate and caring for older adults. She thanked Mr. Johnson for his service to Our Country and for taking care of other individuals he lives with. Commissioner Conway thanked the staff for serving the older adult population. Chair Moreno recounted a personal story about his own family and thanked everyone. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 **PUBLIC INPUT:** Harrison Swift, representative of Northern Colorado Veterans Resource Center, requested a possible partnership with the County. He explained they are a one-stop shop for veterans and connect them to the resources that are needed. Rock Jennison, Director of Operations of Northern Colorado Veterans Resource Center, stated the goal is have all veterans' services in one location and alleviate any duplications of services. He stated if the services are co-located it will provide a greater service and decrease the amount of stress that the veterans must experience. Commissioner Conway suggested having a work session to discuss the existing responsibilities and expand Weld County's collaboration. He explained they have added staff to the Veterans Services Office (VSO) recently to assist the growing number of veterans. Commissioner Cozad suggested sharing space with another entity, because she feels the County needs to offer more and better service to support Veterans.

NEW BUSINESS:

 1) **CONSIDER TEMPORARY CLOSURE OF CR 388 FOR CR 53 BRIDGE REPLACEMENT PROJECT:** Clay Kimmi, Department of Public Works, presented the temporary closure beginning October 15, 2018, through October 26, 2018, and stated Zak Dirt is requesting the closure for the County Roads (CR) 388 and 53 intersection realignment, which is part of the CR 53 bridge project. He stated CR 53 will remain open during the realignment. Commissioner Freeman moved to approve said closure. It was seconded by Commissioner Cozad, and the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:26 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

EXCUSED

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO OCTOBER 3, 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, October 3, 2018, at the hour of 9:00 a.m.

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


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


Also present:

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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of October 1, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

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


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

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


BIDS:


 1) PRESENT BID #B1800141, RFQ – CR 39 BETWEEN CRS 50.5 AND 52 – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, presented the seven (7) bids received and stated staff will bring back a recommendation on November 7, 2018.


NEW BUSINESS:


 1) CONSIDER STANDARD FORM FOR WORKSITE NON-FINANCIAL AGREEMENT FOR WORK-BASED LEARNING PROGRAM BETWEEN THE WELD COUNTY DEPARTMENT OF HUMAN SERVICES AND VARIOUS PROVIDERS AND AUTHORIZE TAMI GRANT, JUDY GRIEGO OR JAMIE ULRICH TO SIGN AGREEMENTS CONSISTENT WITH SAID FORM: Karin McDougal, Assistant County Attorney, on behalf of the Department of Human Services, presented the form for the Worksite Non-


Financial Agreement for Work-Based Learning Program. She stated the purpose of this agreement is to partner with local non-profit organizations and allow eligible adults to the opportunity to gain work-based experience and training. This opportunity will build applicable work history and competitive skills which better prepare individuals for permanency and future unsubsidized employment. Commissioner Conway moved to approve said standard form and authorize Tami Grant, Jamie Ulrich, or Judy Griego to sign agreements consistent with said form. Seconded by Commissioner Cozad, the motion carried unanimously.

 2) CONSIDER CONTRACT ID #2101 ANNUAL PROGRAM PLAN FOR CHAFEE FOSTER CARE INDEPENDENCE PROGRAM AND AUTHORIZE CHAIR TO SIGN: Ms. McDougal reviewed the Annual Program Plan for the Chafee Foster Care Independence Program which is a federally funded program to provide age appropriate independent living services to youth ages 14 to 21 years old, who are in out-of-home placement. Commissioner Freeman moved to approve said plan and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 3) CONSIDER CONTRACT ID #2108 EXPENDITURE AUTHORIZATION FOR FINANCIAL TECHNICAL ASSISTANCE FOR WORKFORCE DEVELOPMENT BOARD AND AUTHORIZE CHAIR TO SIGN: Ms. McDougal reviewed the expenditure authorization stating the Colorado Workforce Development Council issued funding in the amount of \$7,500.00 to assist the Weld County Workforce Development Board and funding may be used for recommending program initiatives, updating the communication of the Board's vision, and being innovative in their continued building of strategic partnership. Commissioner Cozad moved to approve said expenditure authorization and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.


 4) CONSIDER APPLICATION FOR RECRUITMENT AND RETENTION LOCAL INNOVATION GRANT FUNDS AND AUTHORIZE CHAIR TO SIGN: Ms. McDougal presented the grant application for retention and recruitment funds and stated they are applying for \$4,000.00 to recruit new foster, and adoptive parents and support the retention of active Foster families. Commissioner Conway moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Cozad and carried unanimously.

 5) CONSIDER CONTRACT ID #2045 AGREEMENT FOR PROFESSIONAL SERVICES FOR ASSESSMENT OF CHILD WELFARE ADOPTION PROGRAM AND AUTHORIZE CHAIR TO SIGN – CONSTANCE VIGIL: Ms. McDougal presented the agreement for Constance Vigil to monitor the adoption program. Commissioner Conway suggested after Ms. Vigil provides a written report, he would like the Board to have a work session to review the recommendations for improvement and development of the program. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.


 6) CONSIDER CONTRACT ID #2070 AGREEMENT FOR CHILD PROTECTION SERVICES AND AUTHORIZE CHAIR TO SIGN – RICK L. MAY, Psy.D., P.C., DBA TREATMENT AND EVALUATION SERVICES: Ms. McDougal presented the agreement for Rick L. May, PSY, D., P.C., to provide offense specific treatment and evaluation services for offenders and their families. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.



 7) CONSIDER CONTRACT ID #2080 MEMORANDUM OF UNDERSTANDING FOR MEDICAID INTAKE SPECIALIST AND AUTHORIZE CHAIR TO SIGN – NORTH COLORADO HEALTH ALLIANCE (NCHA): Ms. McDougal presented the Memorandum of Understanding for a Medicaid Intake Specialist

to work part-time at the My Health Plus Connections office and stated the County will cover the salary and benefits. She stated previously the North Colorado Health Alliance has reimbursed the County to offset employee costs, but they no longer have the funding available. In response to Commissioner Conway, Ms. McDougal stated the amount the County will cover is equal to costs to pay a part-time employee. Barb Connolly, Controller, explained their functions as Medical Specialist will be accomplished at My Health Plus Connections one day a week, and the other responsibilities will be done at their Department of Human Services. Ms. Connolly stated this is an existing full-time County employee. Commissioner Conway confirmed the agreement was in affect last year as well. Ms. McDougal stated North Colorado Health Alliance was covering one day a week, in the amount of \$11,000.00. Commissioner Freeman moved to approve said Memorandum of Understanding and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously. Commissioner Freeman thanked Ms. McDougal for presenting on behalf of the Department of Human Services.

 8) CONSIDER TEMPORARY CLOSURE OF CR 15.5 BETWEEN CRS 52 AND 54: Elizabeth Relford, Department of Public Works, presented the details of the closure beginning October 9, 2018, through October 12, 2018. She stated staff will use standard road signs and barricades. Commissioner Cozad moved to approve said temporary closure which was seconded by Commissioner Freeman. The motion carried unanimously.

PLANNING:

 1) CONSIDER RESUBDIVISION, RES18-0002, TO DIVIDE LOT 6, BLOCK 3 OLINGER SUBDIVISION GARDEN TRACTS 1ST FILING INTO TWO (2) LOTS – DEAN AND VALERIE BONDESON: Diana Aungst, Department of Planning Services, presented the request and a brief slideshow to divide Lot 6 into two (2) lots. She stated the surrounding land uses are residential and agricultural. She reported the site is approximately 10 acres and the applicant proposes to divide it into a six (6) acre and a four (4) acre lot. In response to Commissioner Cozad, Ms. Aungst stated there is an existing access on Lot 2. Commissioner Cozad stated she wants to make sure there is no confusion about a potential shared access, so it needs to be defined on the plat.

 Dean Bondeson, applicant, stated he was told there must be a shared access; otherwise, he would need to apply for a variance to have an access off County Road (CR) 34. He explained the shared access extends 30 feet onto his property to access Lot 1. Commissioner Cozad stated the Board tries to encourage shared access and limit access onto the CRs, but he doesn't need to apply for a variance. Bruce Barker, County Attorney, clarified the shared access is typically required for Recorded Exemptions, but Subdivisions are different because they are accessing internal streets and roads. He stated the shared access can be added as a Condition of Approval (COA). Commissioner Cozad stated the Board can designate that Lot 1 gets their own access or they will need to have a shared access. Commissioner Freeman recommended allowing a second access, on CR 2.5 if it meets the safety requirements, to avoid issues in the future. In response to Commissioner Cozad, Ms. Relford stated both CRs are designated as Local roads and CR 25 has 109 trips per day and CR 34 has 372 trips per day. Ms. Relford indicated the last count was done August, 2017, and both roads are paved. No public testimony was offered concerning this matter. Commissioner Cozad stated Lot 1 should have its own access, but it needs to be noted on the plat at a pre-determined location. Mr. Barker stated staff determines the safe location for an access point. Commissioner Cozad stated there should be an independent access point.  Ms. Relford stated Public Works has stopped putting the AP numbers on the plat to allow the Department a little more flexibility when a landowner is applying for a new access when building a new home. Commissioner Cozad stated the access points need to meet spacing criteria and safety requirements and she doesn't want it interpreted that the applicant needs to have a shared access point. Commissioner Cozad suggested adding a new Condition of Approval (COA) #1.E.6 on

page 4 of the Resolution to state "Lot 1 and Lot 2 shall have independent access points that meet the requirements of the Weld County Code." She also suggested that "access" and "No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements" be removed from COA #1.E.4. Commissioner Conway confirmed the owner of the lot will have to provide access to the utility easement. Mr. Barker stated the last sentence in paragraph #4 is not necessary. Commissioner Cozad moved to approve said Resubdivision with the amended Resolution. 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 9:39 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

EXCUSED

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO OCTOBER 8, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, October 8, 2018, at the hour of 9:00 a.m.


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

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


Also present:

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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of October 3, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on October 3, 2018, as follows: 1) COZ18-0003 – Dean and Valerie Bondeson, 2) USR18-0058 – George and Lauren Sagner, Jr., JR's Landscaping, LLC, c/o Patricia Sagner, and 3) USR18-0044 – Tricycle Lane Texas, LLC. Commissioner Conway seconded the motion, which carried unanimously.


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

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


PRESENTATIONS:


 1) CERTIFICATE OF RECOGNITION FOR WORK ABOVE AND BEYOND REGULAR DUTIES – MERRIE GARNER: Chair Moreno read the certificate recognizing Merrie Garner, Office of Emergency Management, for assisting Costilla County during the Spring Fire disaster June 30, 2018, through July 5, 2018. Costilla County thanked Ms. Garner for her knowledge and input during the Spring Fire disaster. Roy Rudisill, Director of the Office of Emergency Management, thanked Ms. Garner for dedicating her personal time. Each Commissioner expressed their appreciation of the assistance and


knowledge she provided to the citizens of Costilla County. Commissioner Conway stated he had a personal connection with his family who resides in Costilla County and stated with Ms. Garner assisting them, he was confident his family was in good hands. He stated he remembered during the 2013 Flood, Costilla County sent employees to help repair the roads destroyed by the flood. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, thanked Chair Moreno for elucidating the definition of harrassment during public input and offered an apology to Commissioners Cozad and Kirkmeyer.


NEW BUSINESS:


 1) CONSIDER CHANGE ORDER #1 FOR PROXIMITY DOOR SYSTEM UPGRADE (BID #B1700146) AND AUTHORIZE CHAIR TO SIGN – LONG BUILDING TECHNOLOGIES, INC: Toby Taylor, Director of the Department of Buildings and Grounds, presented the terms of the change order for an upgrade to the proximity door system for the Information Technology and Human Services Buildings for the total amount of \$46,635.00. Commissioner Cozad moved to approve said change order, which was seconded by Commissioner Freeman, and the motion carried unanimously.

 2) CONSIDER PERMIT APPLICATION AND REPORT OF CHANGES TO CHANGE TRADE NAME FOR FRITZLER FARMS, INC., FROM FRITZLER CORN MAZE TO FRITZLER FARM PARK AND AUTHORIZE CHAIR TO SIGN: Bob Choate, Assistant County Attorney, reviewed the application request for a Trade Name change from Fritzler Corn Maze to Fritzler Farm Park. He suggested they register the application with the Colorado Secretary of State. Commissioner Conway moved to approve said trade name change and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 3) CONSIDER CONTRACT ID #2158 CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT AGREEMENT FOR NORTH FRONT RANGE NATURAL GAS VEHICLE FLEETS AND AUTHORIZE CHAIR TO SIGN: Everett Bacon, Department of Public Works, presented the agreement for Fiscal Year 2017 CNG Fleet vehicle program for \$162,000.00. Mr. Bacon stated Buy America Waivers have been issued for the vehicles. Commissioner Kirkmeyer moved to amend the resolution and agenda to correct "Upper" to "North". The motion, which was seconded by Commissioner Cozad, carried unanimously. Commissioner Kirkmeyer moved to approve said grant agreement. It was seconded by Commissioner Cozad, carried unanimously. Commissioner Cozad stated at the North Front Range MPO meeting, there was discussion about there not being anymore Buy America Waivers, and because of this, they will no longer be able to use the CMAQ funds to purchase vehicles.


 4) CONSIDER STRUCTURE AGREEMENT FOR BETZ BORROW PIT AND AUTHORIZE CHAIR TO SIGN – SEMA CONSTRUCTION, INC.: Mr. Choate presented the structure agreement to ensure SEMA Construction, Inc., pays for damages to CR 46, which is located within 200 feet of the Betz Borrow pit. Commissioner Freeman moved to approve said agreement and authorize Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 5) CONSIDER PROPERTY USE AGREEMENT FOR PLANNING COMMISSION I-PAD AND AUTHORIZE CHAIR TO SIGN – FAY (SKIP) HOLLAND: Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 6) CONSIDER APPOINTMENT TO AREA AGENCY ON AGING ADVISORY BOARD: Commissioner Freeman moved to approve said appointment. The motion, which was seconded by Commissioner Cozad, carried unanimously.


PLANNING:


 1) FINAL READING OF WELD COUNTY CODE ORDINANCE #2018-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 26 REGIONAL URBANIZATION AREAS (*PIPELINES*), OF THE WELD COUNTY CODE: Commissioner Kirkmeyer moved to read Code Ordinance #2018-05 by title only. The motion was seconded by Commissioner Conway and carried unanimously. Bruce Barker, County Attorney, read the title for the record. Tom Parko, Director of the Department of Planning Services, stated he submitted the changes made since the Second Reading. Mr. Parko then reviewed the changes made to the Code pertaining to pipelines. Commissioner Kirkmeyer stated the best way to get easement information is to obtain it from public record. Mr. Barker stated not all easements are recorded and there are implied easements. In response to Commissioner Cozad, Mr. Barker stated typically when required to complete a search, there are ditch easements that are not recorded. Mr. Parko clarified once all the information is received from the applicant, it is submitted for the easement permit and the sentence needs to be changed to “no more than” ten (10) days.


 Ryan Seastrom, representative of Colorado Oil and Gas Association (COGA), thanked the Board for working with the oil and gas industry to consider the concerns raised by the industry and offered his assistance with any further questions regarding pipelines. In response to Commissioner Conway, Mr. Seastrom stated COGA has not received any other comments.


 Dennis Hoshiko, resident of Greeley, stated he agreed with streamlining the pipeline permitting process but is apprehensive with pipelines which will adversely impact private surface owners. He stated he would like the rules to be fair to all private property owners. He stated Weld County has the authority to require that the oil and gas company apply for permits to bore pipelines under the public roads. He stated ditch owners have a legal right to know the location and depth of pipelines under their ditches. Unfortunately, private property owners do not have the power that the County holds to compel for pipeline companies to obtain the proper permits before installing the pipelines. Commissioners need to regulate all Use by Right pipelines to protect the rights of the private property owners. He stated that the Commissioners have not fully considered the property rights of private owners and stated oil and gas operators will violate the easements. He stated growing crops is vital for the future of Weld County. Mr. Hoshiko would like the pipeline companies to notify and honor the rights of property owners before being granted permits to construct pipelines across farmlands which should apply to all non-Use by Right pipelines. Chair Moreno thanked Mr. Hoshiko for his comments and participating in the LAP process.


 In response to Commissioner Conway, Mr. Hoshiko clarified the pipeline representative at the last hearing, stated all corporately organized ditch companies' easements are owned in fee or owned by the ditch company which is incorrect. There were also other statements the industry representative made which were also incorrect. He stated the easements were granted or deeded for ditch purposes and there are fee-owned easements which are rare. He stated there are also implied easements where the owners just allowed their neighbors to use it, but they are not recorded. Additionally, there are condemned easements and prescriptive easements, which exist for at least eighteen years. He explained he would like the pipeline operators to find and notify the ditch owners and authorize an Agent to negotiate with the companies and ditch owners.


 In response to Commissioner Cozad, Mr. Hoshiko explained which easements are recorded. He stated the Water Courts decreed the water rights, regarding the South Platte River, to be used on specifically defined lands. He reiterated the pipeline industry representatives should be able to research and notify the landowners. Mr. Parko explained the Department of Planning Services will receive a statement from the oil and gas pipeline applicant showing they have researched the area and practiced a good faith negotiation with contract landowners and ditch companies. Commissioner Cozad clarified the applicant will need the easements or rights-of-way documentation or a statement.


 Commissioner Kirkmeyer explained not all easements and rights-of-way are public record; for example, if the land is divided by a divorce decree. Mr. Parko stated the LAP process will clarify the recording of pipelines and mitigate conflicts with ditch companies. Mr. Hoshiko stated there is incomplete information and he would like private property owners' rights protected from the pipeline companies. He expressed concern that if the Code Ordinance is passed the way it is written, the companies will not work with private property owners.


 In response to Commissioner Conway, Mr. Barker agreed with Mr. Hoshiko and stated there are ditch easements that have been created and not recorded. He stated when a pipeline crosses a ditch the company needs to work with the affected ditch owner. He suggested adding to Paragraph B, "or a statement that the applicant is currently in good faith negotiations with the surface owners of the properties" and delete the words "irrigation ditch companies and/or" and "insert owners of irrigation ditches including, but not limited to, owners of affected irrigation ditch easements of record, to be crossed by the pipeline." Mr. Hoshiko stated he does not agree with the ditch of record because most ditch easements are not public record. Mr. Barker stated he has concerns with ditch easements, or ditch of record, and if the focus is solely on easements, there could be unintended consequences. Mr. Barker stated the easements will need to be checked by the pipeline companies.


 Jason Maxey, Department of Planning Services, he stated in Section 23-2-1140 concerning mapping requirements, it includes all irrigation ditches and the company needs to provide a statement showing they have worked with the ditch owners and it can be a cross check that staff uses. Mr. Maxey stated stipulating the mapping company will need to show all ditches. Commissioner Kirkmeyer suggested a language change in paragraphs B and C.10 to "include any and all ditches" and identify all the ditches. In response to Commissioner Kirkmeyer, Mr. Barker stated any conflicts arising from pipelines crossing irrigation ditches should be mitigated.


 Mr. Hoshiko stated there are irrigation ditches that are located on irrigated farmland and ditches which are conveying water to other parties which are not the landowner where the ditch exists. He stated it should be important to include all sizes and all types of pipelines crossing a ditch. He stated some of the pipeline companies are wanting a 100-foot easement, which is double the width of a County road.


 Patrick Groom, attorney for various pipeline companies, explained he thinks having "of record" is important in the Code, and the Statement of Authority will provide information to oil and gas operators as to the owner and parties involved. This document is evidence that ensures the industry is negotiating with a property owner.


 In response to Commissioner Cozad, Mr. Groom stated the recorded Statement of Authority would make it mandatory to contact all parties involved in the ditch easements. He stated he has no objections to identifying ditch easements on the map.


 Commissioner Freeman suggested clarification of irrigation ditches Transporting water. Commissioner Kirkmeyer stated in paragraph B the ditches need to be mapped out by the surface owner, but during the application submittal they need to show all ditches or there will need to be a Statement of Authority. Commissioner Cozad stated a surveyor will need to identify certain elements, but they may not identify all the ditches. Mr. Groom stated paragraph B is stating there needs to be documentation showing good faith negotiations with the owners of the irrigation ditch.


 Hunter Hoshiko, resident of Greeley, stated it doesn't matter about the size of the ditch, what the ditch is being used for, or the size of roads. The process to obtain the required permits is still the same. He stated the size of the pipeline will still have the same impact on the properties. He explained the easement will not be built on or used in any manner.


 Commissioner Kirkmeyer referred to Section 23-2-1130.B and stated she would like the language in paragraph C.10 to be consistent with the language in 1140.d and include the language "any irrigation ditch". Commissioner Freeman stated he does not agree with removing "of record" which is actually transport water from one place to another for others to use. Mr. Barker stated he is trying to avoid future conflicts with a ditch owner when dealing with ditch owner "easement of record." Commissioner Kirkmeyer presented the amended language as follows: a Statement how the applicant will mitigate any conflicts with affected irrigation ditch companies, irrigation ditch easements owners of record, and with any mutual irrigation ditches and/or structures used to transport water." Mr. Barker stated there may be conflicts with companies saying they only must deal with easements of record. He suggested he put how many irrigation ditches have a statement of authority associated with them. Commissioner Freeman stated there needs to be language regarding irrigation ditches that are used by more than one property owner that are used to transport water. Mr. Barker suggested using the language "used to transport water between separate properties." Commissioner Kirkmeyer moved to amend Section 23-2-1130. C.10 to delete "*with irrigation ditch companies and/or affected irrigation ditch easement owners of record*" and insert "*with any mutual irrigation ditch and/or structures used to transport water.*" The motion, which was seconded by Commissioner Freeman, carried unanimously.


 Commissioner Kirkmeyer referred to Section 23-2-110.K regarding easements that have been obtained beginning October 1, 2018, shall be located outside the existing road right-of-way and any easement obtained after October 1, 2018, will be moved at the expense of the operator. Dawn Anderson, Department of Public Works, explained staff is preparing revisions which would recognize the future right-of-way (ROW), but currently in the USR development standards they must be outside the future ROW. Commissioner Freeman stated it makes sense not to construct anything in the future ROW. He stated pipelines will infringe on agricultural land and he would like the operators to move the pipeline at their own expense. Commissioner Kirkmeyer stated all the USRs applied for aren't required to have the pipeline moved at their own cost. Commissioner Cozad stated from October 1st moving forward, the future ROW will be covered. Ms. Anderson stated the County has reimbursed pipeline companies as part of the acquisition process.


 Commissioner Kirkmeyer stated the LAP process was supposed to be completed four (4) months earlier and there are a few companies waiting to go through the LAP process once the ordinance is complete. She inquired how many outstanding USR applications there are, how many qualify for the LAP process, and of those applications what will be the cost to the County. Commissioner Conway stated the Board agreed on the proposed start date of October 1, 2018. Commissioner Kirkmeyer clarified there wasn't a confirmed date or specific language. Commissioner Cozad clarified the Departments of Public Works and Planning Services are not aware of the amount of the USR applications waiting for the LAP process.

 Commissioner Conway stated the industry wanted clarification on the timing, so they could decide on how to proceed. Mr. Parko presented the language in a recent USR application stating the pipeline will not be in a future ROW.

 Commissioner Cozad thanked the stakeholders for participating in the process. She stated with the new rules there are more pipelines included since they deleted the hoop stress. She stated there have been more provisions which were created based on comments received from the stakeholders. She stated if the pipelines companies cannot demonstrate they have made a good faith effort, they will have to appear before the Board. She stated this is a land use process and the pipelines are regulated to protect the health and welfare of Weld County citizens; therefore, she is supportive of the comments made. Commissioner Freeman stated he agrees with the comments made and he agrees this process is an improvement from the previous process. Commissioner Conway thanked Mr. Hoshiko for participating in the modification of the Code and suggesting improvements.

 Commissioner Kirkmeyer stated she supports the changes made to the Code and this process was started over six (6) years ago. She agreed with Mr. Hoshiko, stating the pipeline industry has not treated some property owners fairly or appropriately. She explained this Code ordinance was presented to establish an Administrative process for more efficiency. She believes it is important to protect the surface owners' rights, so, if any issue comes up, it will come back to the Board.

 Chair Moreno agreed with the comments made regarding Ordinance #2018-05. He expressed his appreciation to the stakeholders for offering their suggestions and to the staff who worked with the stakeholders to get the Ordinance moved forward to finalization.

 Commissioner Cozad moved to approve on Final Reading. The motion which was seconded by Commissioner Conway, carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-05 was approved on Final Reading.

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

There being no further business, this meeting was adjourned at 11:28 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 OCTOBER 10, 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, October 10, 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, Chris D'Ovidio

 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of October 8, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **READ ORDINANCE BY AUDIO:** Commissioner Freeman moved to read Code Ordinance #2018-08 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 Cozad moved to approve the Consent Agenda as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

 **PUBLIC INPUT:** Steve Teets, resident of Greeley, expressed his appreciation to Commissioner Cozad for serving the County well and for her dedicated service to the Weld County citizens. He learned a lot from her and wished her well. He stated there are still issues with the VALE Medicaid rides even after the meeting with the Medicaid representatives, and he would like to see a better system for residents. He stated Veterans are still having problems getting to appointments in Loveland because there is a lack of transportation and there needs to be more connectivity west of Interstate 25. He also thanked the Commissioners for participating in the 8th year of Project Connect. Commissioner Cozad thanked Mr. Teets for his support and she stated she values their friendship. She explained Greeley Evans Transportation (GET) is looking at funding for a U.S. Highway 34 project and suggested he contact Will at GET. She thanked him for being an integral part of Project Connect. Commissioner Conway


thanked Mr. Teets for being involved with Project Connect and bringing the issues regarding transportation issues for Veterans. He encouraged Mr. Teets to stay involved with the City of Greeley and GET to stay informed of upcoming transportation projects.


BIDS:

 1) APPROVE BID #B1800139, 35TH AVE FIBER INSTALLATION – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the two (2) bids received and stated staff recommends awarding the low bid to Sturgeon Electric Company, Inc. Commissioner Kirkmeyer moved to approve said low bid. Seconded by Commissioner Conway, the motion carried unanimously. Commissioner Kirkmeyer stated the Board brought up the County's Fiber Project to the new UNC President inviting them to participate.


NEW BUSINESS:

 1) CONSIDER CONTRACT ID #2035 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – ANGELINA ROMERO: Jamie Ulrich, Deputy Director of the Department of Human Services, presented the terms for an agreement for respite care services with Angelina Romero. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 2) CONSIDER TEMPORARY CLOSURE OF CR 70 BETWEEN CRS 25 AND 27: Amy Joseph, Department of Public Works, reviewed the terms of the temporary closure effective October 15, 2018, through October 19, 2018, to replace and upgrade an irrigation culvert. She stated staff will use water on the one-mile gravel detour route for dust abatement. Commissioner Cozad moved to approve said temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 3) CONSIDER TEMPORARY CLOSURE OF CR 57 BETWEEN CRS 62 AND 62.75: Ms. Joseph presented the closure beginning October 15, 2018, through October 19, 2018, to replace an irrigation culvert. Commissioner Conway moved to approve said temporary closure. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 4) CONSIDER RECOMMENDATION TO APPOINT COMMISSIONER SEAN CONWAY TO TOWN OF FIRESTONE URBAN RENEWAL AUTHORITY BOARD: Commissioner Cozad moved to approve said appointment of Commissioner Conway to the Town of Firestone Urban Renewal Authority Board. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 5) FIRST READING OF WELD COUNTY CODE ORDINANCE #2018-08, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION AND CHAPTER 3 HUMAN RESOURCES, OF THE WELD COUNTY CODE: Patti Russell, Director of the Department of Human Resources, and Frank Haug, Assistant County Attorney, presented the proposed changes to Chapters 2 and 3. In response to Commissioner Conway, Ms. Russell explained any new documents going into the file will be vetted through the employee's supervisor. Bruce Barker, County Attorney, clarified it is the County's file even though the file pertains to the employee. This change is to make sure employees are not putting whatever they want in their file because it is a personnel file. Ms. Russell stated the remaining changes which have been made are grammatical. She confirmed the current documents in the file will stay in the file and anything new being added will have to be approved before going into the file. Commissioner Kirkmeyer requested a work session to discuss how the Code change will be implemented with regard to the current files. In response to Commissioner Conway, Ms. Russell explained nothing has been removed from the files. They are only removing staples and doing clean up to scan them. Mr. Teets stated this process is confusing and wants to know if the employee could appeal

to have something negative removed. Ms. Russell stated an employee can approach the Department Head to have a negative Performance Review removed that they don't agree with. In response to Commissioner Conway, Ms. Russell explained the employee can request to have something removed. Mr. Haug stated under Section C, if it is part of a grievance process or a disciplinary proceeding, and the Department Head must include the employee's rebuttal. Mr. Haug stated the process is to clarify how to handle existing documents which will need to be addressed during the work session. Commissioner Conway suggested there be a discussion about the change in philosophy for how things were done in the past. Commissioner Kirkmeyer stated this is to galvanize the procedure for personnel files in the Code, and there needs to be a list of items that will be allowed in the files. Commissioner Kirkmeyer moved to approve Code Ordinance #2018-08 on First Reading. The motion was seconded by Commissioner Cozad. Upon a roll call vote, the motion passed four to one, with Commissioner Conway opposed.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-08 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 9:37 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Steve Moreno, Chair

Weld County Clerk to the Board

Barbara Kirkmeyer, Pro-Tem

BY: _____
Deputy Clerk to the Board

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO OCTOBER 15, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, October 15, 2018, at the hour of 9:00 a.m.

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

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


Also present:

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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of October 10, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on October 10, 2018, as follows: 1) USR18-0037 – Tagawa Greenhouses, Inc., c/o Alex Seleznov, Advanced Extraction, LLC, 2) USR18-0034 – Luis Martinez, and 3) USR18-0051 – Rafael and Maria Aguirre. Commissioner Conway seconded the motion, which carried unanimously.


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


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


PRESENTATIONS:

 1) **RECOGNITION OF SERVICES, DEPARTMENT OF HUMAN SERVICES – THERESA BRADSHAW:** Chair Moreno read the certificate for the record recognizing Ms. Bradshaw for her dedicated service to Weld County citizens. Judy Griego, Director of the Department of Human Services, stated Ms. Bradshaw has been an integral part of for the Department of Human Services, and explained she provided therapeutic services to Weld County Foster Families. Heather Walker thanked Ms. Bradshaw for her dedication to Weld County residents. Veronica Cavazos, expressed her


appreciation to Ms. Bradshaw for her committed work with Foster Families. Ms. Bradshaw expressed her appreciation for the opportunities afforded her during her career with the County. Each Commissioner thanked her for serving the citizens of Weld County, encouraged her to enjoy her time with family and extended an invitation to volunteer on one of the County's many boards and commissions. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 2) CERTIFICATES OF APPRECIATION, WELD FAITH PARTNERSHIP COUNCIL – ROBERT THOMAS, KIM PARKER, AND BRIAN FOWLER: Chair Moreno recognized the individuals who volunteered their time to the Weld Faith Partnership Council and to the citizens of Weld County. Ms. Parker thanked the Board for the opportunity. Commissioner Cozad stated the board was formed, in 2008, to have faith and government communities work together. She stated Ms. Parker's area of concentration has been to work with the Foster and Respite Care Families. She also did a lot of work with Finally Home. Mr. Thomas served the council since its start and he is a member of a church in Dacono. She stated Mr. Fowler was the Chair and served Veterans. Ms. Parker commented about the passion and devotion which Mr. Thomas brought to the board. Each Commissioner thanked the committee members for making a difference in Weld County. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 3) CERTIFICATES OF APPRECIATION, FAIR BOARD – VALERIE DAY, KEITH DAY, DEBBIE CARPIO AND JUSTIN SIDWELL: Chair Moreno read the certificates for the record recognizing their voluntary contributions to Weld County citizens. Keith Maxey, Fair Board, thanked the members for making the Weld County Fair successful. Each Commissioner thanked them for their participation on the Fair Board.


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


NEW BUSINESS:


 1) CONSIDER CONTRACT ID #2182 MEMORANDUM OF UNDERSTANDING FOR COOKING MATTERS NO KID HUNGRY CAMPAIGN AND AUTHORIZE CHAIR TO SIGN – SHARE OUR STRENGTH: Dr. Mark Wallace, Director of the Department of Public Health and Environment, presented the Memorandum of Understanding to work collaboratively with Share Our Strength to end childhood hunger by helping families make healthy food choices. He stated there will be staff who teach families how to cook healthier and shop on a budget. Commissioner Kirkmeyer moved to approve said Memorandum of Understanding and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.


 2) CONSIDER AGREEMENT FOR SALE AND PURCHASE OF FILL-DIRT AND FOR TEMPORARY CONSTRUCTION EASEMENT AND AUTHORIZE CHAIR TO SIGN – GOLDEN EYE INVESTMENTS, LLC: Toby Taylor, Director of the Department of Buildings and Grounds, explained the agreement is for a developer who wants to develop the land south of the crime lab. In response to Commissioner Conway, Mr. Taylor stated this will help the drainage on the developer's property and there will be landscaping. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 3) CONSIDER CHANGE ORDER # 2 FOR IT ADMINISTRATION REMODEL (BID #B1800084) AND AUTHORIZE CHAIR TO SIGN – TCC CORPORATION: Mr. Taylor reviewed the terms for the change order for the remodel of the IT Administration Building, as a design-build, for an additional \$15,125.07. Commissioner Cozad moved to approve said Change Order #2 and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.





 4) CONSIDER TEMPORARY CLOSURE OF CR 50 BETWEEN CR 13 NORTH AND CR 13 SOUTH: Amy Joseph, Department of Public Works, presented the details of the road closure to begin October 22, 2018, through October 26, 2018, to replace an irrigation culvert and stated water will be used for dust abatement along the gravel detour route. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 5) CONSIDER TEMPORARY CLOSURE OF CR 19 BETWEEN CRS 16 AND 18: Ms. Joseph reviewed the terms of the closure which will begin October 22, 2018, through October 26, 2018, for a culvert replacement. Commissioner Conway moved to approve said temporary closure. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 6) CONSIDER APPOINTMENTS AND REAPPOINTMENTS TO WELD FAITH PARTNERSHIP COUNCIL: Commissioner Cozad moved to approve said appointments and reappointments. The motion was seconded by Commissioner Conway, and it carried unanimously.


 7) CONSIDER APPOINTMENTS AND REAPPOINTMENTS TO FAIR BOARD: Commissioner Cozad moved to approve said appointments and reappointments. Seconded by Commissioner Conway, the motion carried unanimously.


(HEALTH) NEW BUSINESS:


 1) CONSIDER SUSPENSION OF COLORADO RETAIL FOOD ESTABLISHMENT LICENSE – SAPPORO JAPANESE STEAKHOUSE: Gabri Vergara, Department of Public Health and Environment, introduced the restaurant staff and stated they have been working with them over the last several months to bring the facility into compliance. She explained staff brought them in for a compliance review following assessment of a second civil penalty. She stated they have also completed a Compliance Agreement, but unfortunately the conditions stated in the agreement were not met. Dan Joseph, Department of Public Health and Environment, presented a brief timeline of the violations. He presented the types and dates of civil penalties assessed, stating there have been violations including the improper storage of employee drinks, improper employee hand washing and improper cold holding. He stated during the inspections, they conducted the Targeted Training on February 7, 2018, a Compliance Review and Compliance Agreement on August 30, which was signed by the owners. He stated there have been 54 violations sited and of those 47 were critical (87%). He reported the Department of Public Health and Environment recently received a food-borne illness complaint for this facility. He then presented the violations which occurred during the inspections. In response to Commissioner Conway, Mr. Joseph explained what is meant by toxic items improperly labeled. This violation occurs when cleaning products, i.e., Windex are labeled as a degreaser. Mr. Joseph stated staff presented the conditions for the operator during the Compliance Review on August 1, 2018.  In response to Commissioner Kirkmeyer, Mr. Joseph explained the Compliance Agreement was signed and put in place after August 1, 2018. Mr. Joseph stated it was communicated that if they were having issues meeting the conditions, they should communicate with the Health Department staff. In response to Commissioner Kirkmeyer, Mr. Joseph stated he believed the operator understood the conditions of the Compliance Agreement.  Mr. Joseph provided a summary of the conditions presented to the operator. He confirmed a food safety consultant was hired this past weekend, and staff is allowing the \$1,000.00 civil penalty, held in abeyance, to defray costs for achieving compliance.  In response to Commissioner Conway, Mr. Joseph clarified the violation is a practice issue, not an equipment issue, because all the equipment is in good working condition.


 Poly Sim, General Manager of Sapporo Japanese Steakhouse, stated he hired a food consultant

and he regrets not hiring him sooner. In response to Commissioner Conway, Mr. Sim stated there are fifteen (15) employees and he has terminated employees for repeated offenses. He explained he has a solution to keep eggs and garlic holding at the proper temperature. He stated he has purchased another refrigerator for just beef and meat, so there is a separate refrigerator space for chicken. He stated the employees will throw out the remaining butter that doesn't get used during cooking. He listed the other restaurant locations which he manages, and stated he has worked with the company since July, 2017. He stated he was just made aware of the Compliance Agreement. In response to Commissioner Kirkmeyer, Mr. Sims stated he has no excuse for not hiring a Food Safety Consultant after the first violations. Mr. Sims stated he tried hiring another consultant in September, but she didn't return his calls.

 In response to Commissioner Conway, Mr. Sims stated he will be at the Greeley store more often to make sure all the employees receive the necessary training.

 Steven Chevalier, Food Safety Consultant, stated the contract with Sapporo Japanese Steakhouse runs through July 31, 2019, and it can be extended at any time depending on the facility's performance. He stated he met with Edison Wong last week and Mr. Wong went over the main issues they are having. Mr. Joseph stated the foodborne illness was reported on Friday afternoon, and he has had no more information concerning the individual who became sick. Commissioner Cozad stated the Board's main responsibility is public safety, so she is worried there will be more on-going concerns. In response to Commissioner Kirkmeyer, Mr. Sims stated the Food Safety Manager is Edison Wong. Mr. Joseph stated Mr. Sim will need to have a controlled facility and needs to hire another Food Safety Manager. In response to Commissioner Kirkmeyer, Mr. Joseph stated there are multiple options available to the employees, to complete the food safety training.

 Mr. Joseph explained the various processes available to fix the violations and he stated they have process-driven requirements or changes to help fix violations. Commissioner Kirkmeyer she would like to shut the restaurant down today but since they hired the consultant, she feels confident letting the restaurant continue to operate. She stated she would like a report on Monday from the Department of Public Health and Environment. Chair Moreno expressed his disappointment with the restaurant's violations and stated he just ate at Sapporo Japanese Steakhouse with his family. Commissioner Cozad stated she would like to have two (2) follow-up inspections with no critical violations and she agrees with holding the \$1,000 civil penalty in abeyance for the cost of hiring the food safety consultant.

 Commissioner Kirkmeyer moved to approve the resolution with the following amendments: 1) that the \$1,000 civil penalty be held in abeyance to help offset the cost of hiring the consultant 2) schedule a hearing on October 22, 2018, with the Board of County Commissioners, to have the Department of Public Health and Safety and Mr. Sim to report they have identified an additional on-site food safety operations manager identified who will be onsite at all times the restaurant is open, 3) there is a scheduled food safety training for all employees and managers, and 4) the consultant completes a full inspection of the restaurant and begins a plan for the restaurant. The motion was seconded by Commissioner Cozad. Commissioner Kirkmeyer clarified she doesn't want to suspend the license at this time because the consultant has been hired. There being no 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 10:12 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

EXCUSED DATE OF APPROVAL
Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO OCTOBER 17, 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, October 17, 2018, at the hour of 9:00 a.m.

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


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


Also present:

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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of October 15, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.


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


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

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


BIDS:


 1) PRESENT BID #B1800144, CISCO 9300 SWITCHES (QTY. 10) – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the seven (7) bids received and stated staff will bring back a recommendation on October 31, 2018.


 2) PRESENT BID #B1800145, EXTENSION BUILDING REMODEL DATA CABLE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose reviewed the two (2) bids received and stated staff will bring back a recommendation on October 31, 2018.


 3) PRESENT BID #B1800149, EMC STORAGE EXPANSION – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose reviewed the three (3) bids received and stated staff will bring back a recommendation on October 31, 2018.


NEW BUSINESS:

 1) CONSIDER CONTRACT ID #2144 AGREEMENT FOR PROFESSIONAL SERVICES TO DEVELOP CHILD AND YOUTH LEADERSHIP COMMISSION (CYLC) AND AUTHORIZE CHAIR TO SIGN – NORTH COLORADO HEALTH ALLIANCE: Judy Griego, Director of the Department of Human Services, presented the terms of the agreement which will provide for stable housing, medical care and other needs. In response to Commissioner Conway, Ms. Griego stated Jeannine Truswell, CEO/President of United Way of Weld County, Judge Hartmann, the Behavioral Health organizations, school districts, and the Division of Youth Services are just some of the agencies involved. Commissioner Kirkmeyer stated there are also not for profit organizations for Domestic Violence and Sheltering. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) CONSIDER AGREEMENT FOR BIOMETRIC IDENTIFICATION (FINGERPRINTING) SERVICES AND AUTHORIZE CHAIR TO SIGN – IDEMIA IDENTITY AND SECURITY USA, LLC: Ms. Griego reviewed the details of the agreement and explained the Sheriff's Office will no longer provide fingerprinting services for Foster Families and Childcare applicants. She stated Idemia Identity and Security USA, LLC, will perform fingerprinting services locally. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously. Commissioner Conway thanked Ms. Griego for this agreement which will allow the application process to be easier for prospective Foster Parents.


 3) CONSIDER CONTRACT ID #2107 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – LASALLE FIRE PROTECTION DISTRICT: Mike Wallace, Director of the Department of Public Safety Communications, presented the amendment to the agreement with the LaSalle Fire Protection District for wireless radio services and annual maintenance. Commissioner Freeman moved to approve the amendment and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 4) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER P9102170 – FMC TECHNOLOGIES, INC.: Chris Woodruff, Weld County Assessor, reviewed the details of the property located in Brighton, Colorado, and a request for the adjustment to the value for 2017. He stated the company asked for a review of the valuation for 2018 and realized it had been misclassified as standard oil and gas equipment instead of oil and gas drilling equipment. He explained the difference is the number of years for depreciation. He presented the partial approval because the property was misclassified, which would result in a tax refund of \$168,627.51. No public testimony was offered concerning the matter. Commissioner Conway moved to approve the petition in-part. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 5) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R4238506 – AK CONSOLIDATED 17, LLC: Mr. Woodruff presented the details of the property located in Frederick as the Otter Box Company. He stated their office received a request for an adjustment of real property for 2017. The tax agent submitted documentation they did not have a 2017. He stated staff recommends a tax refund of \$29,491.85. No public input was offered concerning this matter.

Commissioner Kirkmeyer moved to approve the petition, in part. Seconded by Commissioner Freeman, the motion carried unanimously.

 6) CONSIDER CONTRACT ID #2018 POSSESSION AND USE AGREEMENT FOR IMPROVEMENTS AT INTERSECTION OF CRS 50 AND 49 AND AUTHORIZE CHAIR TO SIGN – JAMES AND ALICE SMITH: Cameron Parrott, Department of Public Works, presented the details for a Possession and Use Agreement. He stated this agreement allows Interstate Highway Construction to complete some drainage improvements near the intersection of County Roads 49 and 50. Commissioner Freeman moved to approve said Possession and Use Agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 7) CONSIDER RENEWAL APPLICATION FOR HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE WITH ONE (1) OPTIONAL PREMISES AND AUTHORIZE CHAIR TO SIGN - RNR, LLC, DBA MCCARTY’S AT EATON CC: Bob Choate, Assistant County Attorney, reviewed the renewal liquor application and stated there are no concerns. Commissioner Kirkmeyer moved to approve said renewal application and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. 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 9:18 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Steve Moreno, Chair

Weld County Clerk to the Board

Barbara Kirkmeyer, Pro-Tem

BY: _____
Deputy Clerk to the Board

Sean P. Conway

EXCUSED

Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO OCTOBER 22, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, October 22, 2018, at the hour of 9:00 a.m.


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

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


Also present:


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 October 17, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on October 17, 2018, as follows: 1) USR18-0001 – WETCO Farms, Inc., c/o Brett Bloom, 2) USR18-0028 – Timothy Dittmer and Blue Pill, LLC, and 3) USR18-0042 – Cheryl Sweet. Commissioner Kirkmeyer seconded the motion, which carried unanimously.

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


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


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


NEW BUSINESS:


 1) CONSIDER 2018 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) APPLICATION AND AUTHORIZE ELECTRONIC SUBMITTAL: Jennifer Oftelie, Sheriff's Office, presented the details of the application and explained after the application is reviewed the grant amount will be determined. Ms. Oftelie stated the Sheriff's Office is still waiting to receive funding for the 2017 grant application in the amount of \$131,000.00 and are expecting the same amount for 2018. Commissioner Conway moved to


approve said application and authorize electronic submittal. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 2) CONSIDER LETTER OF AGREEMENT CONCERNING DESIGNATED EMERGENCY RESPONSE AUTHORITY (DERA) AND AUTHORIZE CHAIR AND DIRECTOR OF OFFICE OF EMERGENCY MANAGEMENT TO SIGN – MOUNTAIN VIEW FIRE RESCUE DISTRICT: Roy Rudisill, Director of the Office of Emergency Management, reviewed the letter of agreement and stated the Mountain View Fire Rescue District has a hazmat team which is part of the Boulder County Fire Rescue District. He stated this agreement will allow Mountain View Fire Rescue District to respond to hazmat incidents within their district and utilize Boulder County Hazmat Authority resources for support, in unincorporated Weld County and work collaboratively with the Office of Emergency Management. Commissioner Cozad moved to approve said letter of agreement and authorize the Chair and the Director of the Office of Emergency Management to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 3) CONSIDER AMENDMENT #3 TO LOAN FUND GRANT AGREEMENT AND AUTHORIZE CHAIR TO SIGN – COLORADO ENTERPRISE FUND, INC.: Don Warden, Director of Finance and Administration, presented the amendment to the Loan Fund Grant Agreement. He explained the Board has a partnership with the Colorado Enterprise Fund who provides funds to small startup businesses and, to date, Weld County has half a million dollars in the revolving loan fund. He explained this fund has assisted 47 businesses in Weld County. He stated this amendment is to add another \$150,000.00 through a grant from Weld County and the Colorado Enterprise Fund, Inc. will match Weld County's contribution for a total amount of \$300,000.00. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 4) CONSIDER CONTRACT ID #2174 AGREEMENT FOR UPGRADING HIGHWAY/RAILROAD GRADE CROSSING WARNING DEVICES AND AUTHORIZE CHAIR TO SIGN – THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY (BNSF): Michael Bedell, Department of Public Works, stated this is a contract with the Burlington Northern and Santa Fe Railway Company (BNSF), Weld County and the Colorado Department of Transportation (CDOT) to improve the crossing at CR 75 near Roggen. He stated they will install flashing light signals and warning devices. The project is paid through the CDOT Section 130 Program Funds, and the County is a signatory of the contract. The Department of Public Works will make sure they have traffic controls in place. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 5) CONSIDER RATIFICATION OF APPOINTMENTS TO THE BOARD OF TRUSTEES OF THE HIGH PLAINS LIBRARY DISTRICT: Commissioner Freeman presented a brief update on the process for the High Plains Library District and stated he feels confident with the appointed candidates. Commissioner Freeman moved to ratify said appointments. Seconded by Commissioner Conway, the motion carried unanimously. Commissioner Conway thanked Commissioner Freeman for his work on the High Plains Library District Board.


 6) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – KAITLYNN BROWN: Commissioner Cozad moved to approve the appointment of Kaitlynn Brown. The motion, which was seconded by Commissioner Conway, carried unanimously.

 7) CONSIDER TEMPORARY CLOSURE OF CR 91 BETWEEN INTERSTATE 76 AND U.S. HIGHWAY 34: Amy Joseph, Department of Public Works, presented the details of the closure beginning October 22, 2018, through January 31, 2019, and indicated Public Works will install a temporary bridge during the replacement of Bridge 91/40A, which is currently weight restricted, During the replacement, they are making it a non-weight restricted bridge. Commissioner Freeman moved to approve said closure. Seconded by Commissioner Cozad, the motion carried unanimously.


(HEALTH) OLD BUSINESS:


 1) CONSIDER SUSPENSION OF COLORADO RETAIL FOOD ESTABLISHMENT LICENSE – SAPPORO JAPANESE STEAKHOUSE (*CONT'D FROM 10/15/2018*): Dan Joseph, Department of Public Health and Environment, stated the consultant has visited the restaurant on three (3) separate occasions and the staff have completed the Manager training and most of the the other staff has completed the regular food handling training. However, there are a few employees who have not completed the training. He stated the operator submitted an organizational chart and identified the food safety management, as well as, they are training someone for the manager's position to ensure there will be a manager on site at all times. He presented a detailed timeline for the inspection. Mr. Joseph stated he feels the operator has made the changes necessary to be in compliance. Poly Sim, owner of Sapporo Japanese Steakhouse, explained going forward there will be a food safety manager at the location. He confirmed there is only one employee who hasn't completed the food safety training. Mr. Sim stated he will continue to work with Steve Chevalier, food consultant, three (3) times a week to stay in compliance. Mr. Joseph stated they will complete two (2) full regular inspections, and if they are not in compliance at that inspection, the Department of Public Health and Environment will bring the matter back to the Board. Commissioner Kirkmeyer clarified this dismissal is conditional. If the Health Department finds any violations, Sapporo Japanese Steakhouse will be back in front of the Board. Mr. Sim confirmed the employees will all be trained in food safety handling and he will have a greater presence at the restaurant. Commissioner Kirkmeyer moved to dismiss this matter contingent on a successful inspection by the Department of Public Health and Environment. The motion which was seconded by Commissioner Cozad, and carried unanimously. Commissioner Cozad expressed her appreciation to Mr. Sim for taking this matter seriously and working to make it safe for the public.


PLANNING:


 1) CONSIDER REVIEW OF CONDITION OF APPROVAL #1.G OF USE BY SPECIAL REVIEW PERMIT, USR17-0043 – CACTUS HILL RANCH COMPANY, C/O SIMON CONTRACTORS, INC: Kim Ogle, Department of Planning Services, stated USR17-0043 was approved on February 5, 2018, for an asphalt batch and processing plant. Mr. Ogle stated they received a request to review Condition of Approval #1.G, which is more specifically, an extension of one (1) year of the submittal of construction drawing and construction and of off-site of off-site roadway improvements, due to two pending lawsuits. In response to Commissioner Cozad, Mr. Ogle reported they have not been operating because the off site improvements to the road are not complete. Dawn Anderson, Department of Public Works, stated the applicant is requesting a change to the COA #1.G, and agree they will not operate the plant commercially after the temporary permit expires, but would request operation of the plant to complete the off-site improvements to supply their own materials for the improvements. She explained they have submitted an approved drainage plan depending on the outcome of the lawsuit. In response to Commissioner Conway, Mr. Ogle confirmed Cactus Hill Ranch Company has not been sent a letter telling them to proceed at their own risk. Bruce Barker, County Attorney, explained he wasn't aware of the status for grading or building permits, for this company. Ms. Anderson explained they have their grading permits but because of the pending lawsuits, Public Works wants to make sure no flows will leave the site. Commissioner Conway inquired about flows that may leave the site and impact the ditch. Mr. Barker stated those are tied to building permits and not usually part of the Improvements Agreement. In response



to Commissioner Cozad, Mr. Ogle stated the temporary permit expires mid-November and the plat has not been recorded because the Improvements Agreement has not been approved.

 Anne Best Johnson, representative of Tetra Tech, and Brett Baker, representative of Simon Contractors, Inc., introduced themselves. Ms. Johnson explained their temporary permit expires November 15, 2018, and they have extended the plat recording a few times in anticipation of upcoming challenges. The grading permit was approved on October 11, 2018. She stated the mylar has been sent to the Department of Planning Services to be recorded and the Improvements Agreement is at the Department of Public Works.

 Commissioner Conway clarified the temporary permit was granted to complete the improvements on U.S. Highway 85. Commissioner Kirkmeyer confirmed Simon Contractors, Inc is only asking for an extension of COA #1.G. Mr. Baker reported they will not operate the plant commercially until the road improvements are complete and the lawsuits are cleared up.

 Commissioner Cozad suggested adding a "Whereas", to the Resolution, that states "the Board finds the facility shall not operate until the improvements are complete." She confirmed the first sentence states the applicant shall not operate the Asphalt and Ready-Mix plants commercially until the off-site improvements are completed to CR 80.5 and State Highway 257 are complete. Mr. Barker stated he doesn't believe the resolution needs additional language, but there should just be a finding added to COA #1.G.

 In response to Commissioner Conway, Ms. Anderson stated the company has already received the grading permits and she reported the early release paperwork has "proceed at your own risk" language. Commissioner Conway wants to make sure the County isn't held liable. Commissioner Cozad stated as soon as the improvements are completed they will receive the permit. No public testimony was offered concerning this matter.

 Commissioner Kirkmeyer moved to amend the resolution by adding "*Whereas, the Board of County Commissioners heard further testimony and finds it necessary to add to the improvements agreement and the applicant shall not operate the Asphalt and Ready-Mix plants commercially until the off-site improvements to CR 80.5 and State Highway 257 are complete. The applicant intends to construct on site improvements such as the water quality features and berms, (which will be seeded to mitigate erosion, as required) internal grading, drainage and erosion control work. Also to be added, "Be it Further Resolved by the Board, that direction has been given to staff to insert language into the improvements agreement, as already stated."* The motion was seconded by Commissioner Cozad and she also suggested adding "*with the exception the plant will continue to operate to supply their own materials to complete their off-site improvements.*" The motion carried unanimously.  Commissioner Cozad moved to grant the extension of COA #1.G which was seconded by Commissioner Kirkmeyer. Commissioner Conway stated he will support the resolution, but the applicant should be aware they are proceeding at their own risk, pending the outcome of the litigation. There being no further comments, the motion passed unanimously.

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

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

There being no further business, this meeting was adjourned at 9:50 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 OCTOBER 24, 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, October 24, 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 October 22, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

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


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

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


BIDS:


 1) PRESENT BID #B1800148, OPENTEXT APPLICATIONXTENDER MAINTENANCE 2019 – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, presented the four (4) bids received and stated staff will bring back a recommendation on November 7, 2018.


NEW BUSINESS:

 1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBERS R3284886, R3284686, R3284786, AND R3284986 – BEARS DEN APARTMENTS, LLC: Brenda Dones, Weld County Deputy Assessor, presented the request for abatement or refund of taxes for the five (5) rental properties situated on four (4) different parcels located in Greeley. She explained

the property owner stated there was a sale during the data collection period and there was a \$50,000.00 reserve for replacement setup; therefore, staff inspected the exterior of the building and reviewed the sales in the area. Based on the information obtained she recommended denial of the petition. The representative for Bears Den Apartments, LLC, was not present. Commissioner Kirkmeyer moved to concur with the Assessor and deny said petition. Seconded by Commissioner Conway, the motion carried unanimously.

 2) CONSIDER TEMPORARY CLOSURE OF CR 76 BETWEEN CRS 27 AND 29: Amy Joseph, Department of Public Works, presented the terms of the closure beginning October 29, 2018, through November 11, 2018, to replace and upgrade an irrigation culvert. She stated water will be used for dust abatement on the gravel detour route. In response to Chair Moreno, Ms. Joseph explained since CR 76 is a paved road, it will take longer. Commissioner Conway moved to approve said temporary closure. The motion was seconded by Commissioner Cozad, and it carried unanimously.

 3) CONSIDER TEMPORARY CLOSURE OF CR 70 BETWEEN CRS 45 AND 47: Ms. Joseph reviewed the details for the temporary closure beginning November 5, 2018, through November 9, 2018, to replace and upgrade a culvert. She stated staff will use water for dust abatement. Commissioner Cozad moved to approve said closure. Seconded by Commissioner Conway, the motion carried unanimously.

 4) CONSIDER TEMPORARY CLOSURE OF CR 74 BETWEEN CRS 39 AND 41: Ms. Joseph reviewed the details for the temporary closure beginning November 5, 2018, through November 16, 2018, to replace two culverts and explained since it is a paved road and staff will be replacing two (2) culverts, it is a longer closure. Commissioner Freeman expressed his concern about the number of beet trucks using that road and would like the closure moved out for one week. Commissioner Conway moved to continue this matter to October 29, 2018. Seconded by Commissioner Cozad, the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:09 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 OCTOBER 29, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, October 29, 2018, at the hour of 9:00 a.m.

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

Commissioner Steve Moreno, Chair
Commissioner Barbara Kirkmeyer, Pro-Tem - arrived at 9:01 a.m.
Commissioner Sean P. Conway
Commissioner Julie A. Cozad
Commissioner Mike Freeman

Also present:


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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of October 24, 2018, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

(Clerk's Note: Commissioner Kirkmeyer arrived at 9:01 a.m.)

 **CERTIFICATION OF HEARINGS:** Commissioner Cozad moved to approve the Certification of Hearings conducted on October 24, 2018, as follows: 1) USR18-0060 – Corie and Paige Baessler, c/o CB Signature Homes, 2) USR18-0075 – Discovery DJ Services, LLC, and 3) PUDZ18-0001 – Colson, Inc., c/o Mark Bowman. Commissioner Conway seconded the motion, which carried unanimously.


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


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

 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, stated he is proud to be a naturalized citizen and of being honorably discharged from the military. He expressed his frustration about politicians not following the same codes or laws that the rest of the citizens must follow. He stated he believes politicians are not held accountable when spending taxpayers' money and he doesn't like the Commissioners meeting behind closed doors when their meetings should be public. Bruce Barker, County Attorney,


briefly explained the purpose and duties of County Council. Commissioner Kirkmeyer clarified the County Council is not an oversight board and can only request a performance audit but not a financial audit. Mr. Gillard stated he believes the County Council should be an oversight board for the County Commissioners. Chair Moreno stated it is up to the voters to change their duties. Commissioner Kirkmeyer stated there are Constitutional requirements for County Council and requirements for the duties of the County Commissioners, so constitutionally the County Council cannot assume the duties of the County Commissioners. Commissioner Conway suggested Mr. Gillard should meet with the County Attorney to have his questions answered more thoroughly. Chair Moreno stated the elections belong to the people.

BIDS:


 1) PRESENT BID #B1800146, RICOH PRO C7110SX OR EQUIVALENT – PRINTING AND SUPPLY: Rob Turf, Department of Purchasing, reviewed the six (6) bids received and stated staff will bring back a recommendation on November 14, 2018.


 2) PRESENT BID #B1800147, RISO COMCOLOR FW5230 OR EQUIVALENT – PRINTING AND SUPPLY: Mr. Turf reviewed the four (4) bids received and stated staff will bring back a recommendation on November 14, 2018.


OLD BUSINESS:

 1) CONSIDER TEMPORARY CLOSURE OF CR 74 BETWEEN CRS 39 AND 41 (*CONT'D FROM 10/24/2018*): Amy Joseph, Department of Public Works, reviewed the details of the closure beginning on November 12, 2018, through November 23, 2018. She explained the closure dates have been rescheduled to minimize the impact on the sugar beet farmers in that area, who are harvesting. She explained the closure will take longer because they will be installing two (2) culverts on a paved road. Commissioner Freeman moved to approve said closure. The motion was seconded by Commissioner Cozad, and it carried unanimously. Commissioner Conway commended Commissioner Freeman for raising the timing issue of the closure and Public Works staff for working to reschedule the closure for the area farmers.


NEW BUSINESS:


 1) CONSIDER CONTRACT ID #2186 LAW ENFORCEMENT SERVICE AGREEMENT AND AUTHORIZE CHAIR TO SIGN – TOWN OF SEVERANCE: Jennifer Oftelie, Sheriff's Office, presented the terms of the agreement to provide law enforcement services, as needed, to the Town of Severance; however, they will not staff an assigned full-time deputy and the contract hours will not exceed 2,359 hours. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously. Commissioner Conway thanked the Sheriff's Office for working with the Town of Severance as they make their transition.


 2) CONSIDER CONTRACT ID #2206 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – SOUTHEAST WELD FIRE DISTRICT: Mike Wallace, Director of the Department of Public Safety Communications, reviewed the details of the amendment to the agreement with the Southeast Weld Fire District for wireless radio services and annual maintenance. Commissioner Kirkmeyer moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 3) CONSIDER CONTRACT ID #2208 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – CITY OF

GREELEY: Mr. Wallace presented the agreement with the City of Greeley for wireless radio services and annual maintenance. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

 4) CONSIDER CONTRACT ID #2209 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – PLATTEVILLE-GILCREST FIRE PROTECTION DISTRICT: Mr. Wallace presented the amendment with Platteville-Gilcrest Fire Protection District to provide wireless radio services and annual maintenance. Commissioner Cozad moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 5) CONSIDER CONTRACT ID #2210 ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT AGREEMENT FOR INTERSECTION SAFETY IMPROVEMENTS PROJECT AT CRS 13 AND 34 (TIER II) AND AUTHORIZE CHAIR TO SIGN: Stacey Swanson, Department of Public Works, presented the terms of the agreement for safety improvements at the Intersection of County Road (CR) 13 and 34. Elizabeth Relford, Department of Public Works, stated the Intergovernmental Agreement with the Town of Mead is for CR 13 from State Highway 66 to CR 32. She explained the Red Barn Annexation does not come all the way to this part of CR 13. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 6) SECOND READING OF WELD COUNTY CODE ORDINANCE #2018-08, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION AND CHAPTER 3 HUMAN RESOURCES, OF THE WELD COUNTY CODE: Commissioner Cozad moved to read Code Ordinance #2018-08 by title only. Seconded by Commissioner Conway, the motion carried unanimously. Mr. Barker read the title for the record. Patti Russell, Director of the Department of Human Resources, requested approval for the changes made during the work session. Commissioner Conway confirmed that the documents currently in the files will stay in the files. No public input was given concerning this matter. Commissioner Cozad moved to approve Code Ordinance #2018-08 on Second Reading. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 7) APPROVE CANCELLATION OF BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULED FOR NOVEMBER 28, 2018: Commissioner Freeman moved to cancel said meeting scheduled for November 28, 2018. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-08 was approved on Second Reading.

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

There being no further business, this meeting was adjourned at 9:21 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO OCTOBER 31, 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, October 31, 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 October 29, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.


 **CERTIFICATIONS OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on October 29, 2018, as follows: 1) PCSC17-0014 – Robert L. Seltzer Family Trust. Commissioner Conway seconded the motion, which carried unanimously.


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


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

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


BIDS:



 1) APPROVE BID #B1800144, 10 CISCO 9300 SWITCHES – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, reviewed the seven (7) bids received and stated staff recommends awarding to the low bidder, Advance Network Management (ANM), for the amount of \$70,116.40. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 2) APPROVE BID #B1800145, EXTENSION BUILDING REMODEL (DATA CABLE) – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose reviewed the two (2) bids received and stated staff recommends awarding to the low bidder, Interface Communications, for the total amount of \$10,820.00. Commissioner Kirkmeyer moved to approve said low bid. The motion, which was seconded by Commissioner Cozad, carried unanimously.


 3) APPROVE BID #B1800149, EMC STORAGE EXPANSION – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose reviewed the three (3) bids received and stated staff recommends awarding to the low bidder, AMN, for \$114,049.61. In response to Commissioner Conway, Mr. Rose stated he wasn't sure about the details of the discrepancies between the bidders. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

NEW BUSINESS:


 1) CONSIDER CERTIFICATION OF WEED ENFORCEMENT LIEN – JAIME PALMA: Tina Booton, Weed and Pest Division, explained the landowner has failed to pay the bill for the Vegetation Management Specialist performing weed enforcement work on the property. She requested the invoice amount be certified as a lien to be collected by the Weld County Treasurer. Bruce Barker, County Attorney, stated it becomes lien which is due in January, 2019, and if it goes unpaid the property can go to tax sale. Commissioner Cozad stated the work was completed by the County and it is an important to keep the noxious weeds under control to protect agriculture in the County. In response to Commissioner Conway, Ms. Booton confirmed four (4) attempts were made to contact the landowner before this matter was brought to the Board. Commissioner Cozad moved to approve said Certification of Weed Enforcement Lien. Seconded by Commissioner Freeman, the motion carried unanimously. Commissioner Conway concurred with the comments made and hopes that the County will continue to work with the landowner. Commissioner Kirkmeyer commented the weed is Canada Thistle, which is an extremely noxious and invasive weed.


 2) CONSIDER APPEAL OF DECISION BY THE FAIR BOARD – CLINT AND CASEY SIDWELL: Clint and Casey Sidwell, residents of Gill, introduced themselves. Tracy Axton, in-coming President of the Fair Board, and Kim Tregoning, Secretary of the Fair Board, were also present. Janet Konkol, Fair Coordinator, stated the Fair Board addressed the issue of the violation at the September 10, 2018, meeting. She explained the Fair Board upheld the recommendation of the Junior Livestock Sale Committee to: withhold one half of the amount of the sale proceeds, not allow Cal Sidwell to show sheep at the 2019 Weld County Fair, return the awards for Premier Exhibitor. Ms. Tregoning explained the drug violation was discovered in the blood sample taken after the sheep won the Grand Champion. She stated this is considered a serious violation because slaughterhouses will stop processing the animals which are sold at the Weld County Fair, because it can contaminate the food chain.  Ms. Konkol stated the October, 2018, minutes will be approved during the November, 2018, meeting. Commissioner Cozad stated she was absent from the September meeting and recused herself during the October Fair Board meeting. In response to Commissioner Conway, Ms. Konkol stated this was revisited at the October meeting to give the Sidwell Family the opportunity to address the Fair Board, before a decision was made.


 Ms. Konkol stated the Sidwell's were notified but were not present at the October, 2018, meeting.


 Mr. Sidwell stated he has been on the Junior Sale Committee for 17 years and has volunteered with the Fair. He recounted they were notified of a drug residue on Cal Sidwell's Grand Champion lamb. He explained they administered a medication prescribed by a veterinarian a week before the sale. Ms. Sidwell stated the mistake was not disclosing the administering the medication and she believes her child should not be punished for their mistake. Ms. Sidwell stated they have been cooperating with the


Fair Board and they were not trying to contaminant the food supply. Commissioner Freeman clarified the violation is the failure to disclose the administering of the medication to the lamb. Mr. Sidwell stated it could be harmful to the child by taking away his right to show sheep in 2019.



 In response to Commissioner Cozad, Ms. Konkel reiterated the recommendation from the Fair Board. In response to Commissioner Cozad, Ms. Axton explained the reason the Premier Exhibitor Award be returned, because of the lack of recording the medication given to the lamb, and the Committee didn't believe it exhibited the highest integrity as a 4-H member.


 In response to Commissioner Kirkmeyer, Mr. Sidwell stated he can't explain the withdrawal period because the drug that was administered is not labeled for use in sheep. Ms. Sidwell stated it is important to have a working relationship with a veterinarian to properly medically treat sheep. Mr. Sidwell stated the withdrawal period for milk cows is 48 hours or three (3) days.


 Commissioner Kirkmeyer stated the withdrawal period is shorter for diary animals, but Ms. Sidwell stated the veterinarian recommended a four (4) day withdrawal period.

 Responding to Commissioner Conway, Ms. Konkel confirmed normally a penalty would not be assessed if the form was filled out correctly and the child and parent signed. Commissioner Conway stated this is a result of the parents failing to disclose the administering of the medication. Ms. Konkel stated the injection was given on July 22, 2018, the blood test was done on July 26th, the animal was sold on July 30, 2018, and it was harvested on August 1, 2018.


 Commissioner Cozad stated there are rules in the Fair Book, but it states there are rules that need to be followed, whether it was the parents' or the child's fault a violation occurred, and there needs to be disciplinary action.




 Commissioner Kirkmeyer stated the Sidwells failed to disclose the drug administration; however, she believes the penalty is excessive. She agreed with having half of the proceeds, in the amount of \$4,000.00, be returned and explained she doesn't agree with the child not being allowed to show sheep in the next Fair. She also stated taking the Premier Exhibitor award is not fair because the individual showed and demonstrated he took proper care of his animal through the whole year. Commissioner Freeman agreed with the comments made.  Commissioner Kirkmeyer stated the drug was administered for the health of the animal and not to enhance the animal's ability to win. Commissioner Conway agreed there needs to be a penalty and appreciates the parents stepping up and accepting responsibility for the mistake and agreed with Commissioner Kirkmeyer that the drug was given to help a sick animal. Chair Moreno stated since a violation occurred, there needs to be a punishment and he supports a 50% reduction in the sale of the animal.

 Mr. Barker explained the Board would grant the appeal, in-part, and make a finding that Rule P was violated. He stated the Board will need to express the penalty imposed by the Fair Board was in excess. Ms. Konkel reiterated the minutes from the October, 2018, Fair Board meeting have not been approved yet; however, Mr. Barker explained the penalty was already approved by the Fair Board.

 In response to Commissioner Cozad, Ms. Axton stated the Sidwells were given adequate notice of the Fair Board meeting for the October meeting. In response to Commissioner Cozad, Ms. Sidwell stated she was at wrestling practice and Mr. Sidwell stated he was harvesting corn and they didn't realize they needed to be at the meeting to appeal or add to the decision, because the letter didn't indicate they would

be on the Agenda. Mr. Sidwell stated he made the mistake, not his son, and his son doesn't understand this entire process.

 Commissioner Kirkmeyer moved to grant, the appeal, in part, and submit the following as findings: there was a violation of Rule P in Weld County Fair Book, the penalty administered by the Fair Board is excessive because the drug was prescribed by a veterinarian and administered eight (8) days before the harvest date for the animal which was used for the cure of the animal and not for enhancements, and if they would have filled out the correct form there wouldn't be an issue. She further stated she does agree the participant should return half the proceeds of the sale, in the amount of \$4,000.00, but should not return the \$1,000 Premier Exhibitor Award, and be allowed to participate in the showmanship of sheep. The motion was seconded by Commissioner Conway. Commissioner Kirkmeyer thanked the Fair Board for their decision and the parents for admitting fault for not filling out the forms. She reiterated taking the \$4,000 is a serious punishment.

 Commissioner Conway thanked the Fair Board for their work and service and dealing with a difficult situation.  Commissioner Cozad stated the Fair Board has strict rules and they need to be followed for the Fair to have integrity in the processes. But, she stated she feels taking the Premier Exhibitor was extreme because Cal Sidwell earned the Premier Exhibitor for caring for his animal through the entire year and she believes it is unfair to take the award away. She stated it is not clear if the Sidwell's were aware that they should be present at the hearing but will support the motion.  Commissioner Freeman stated the penalty is harsh and forfeiting the \$4,000.00 is a substantial penalty for the violation and Cal Sidwell should be allowed to show sheep at the 2019 Weld County Fair. Chair Moreno stated he agrees with the comments presented by the Board. There being no further comments, 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 10:01 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