


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO SEPTEMBER 5, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, September 5, 2018, at the hour of 9:00 a.m.


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

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


Also present:

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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of August 29, 2018, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Kirkmeyer moved to approve the Certification of Hearings conducted on August 29, 2018, as follows: 1) USR18-0036 – Robert E. Ehrlich, LLC, 2) USR18-0049 – Shawn and Susan Wiant, and 3) USR18-0053 – Creston Peak Resources Holdings, LLC, c/o Discovery DJ Services, LLC. Commissioner Cozad 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) **WORKFORCE DEVELOPMENT MONTH – SEPTEMBER 2018, AND KEEP COLORADO WORKING DAY – SEPTEMBER 5, 2018:** Chair Moreno read the proclamation acknowledging September, 2018, as National Workforce Development Month and September 5th as Keep Colorado Working Day. Jamie Ulrich, Deputy Director of the Department of Human Services, stated staff works hard for the citizens to keep them employed and to improve their skill sets to increase their potential for career pathways. Tami Grant, Department of Human Services, explained the low unemployment rates


create challenges for potential employers. Commissioner Cozad stated it has been an honor to be part of the Workforce Development Board and thanked Ms. Grant for preparing the youth of the County through the STEM program which gets kids ready to enter the workforce. Furthermore, the Workforce Development Board has an important job in helping employees and employers work through the challenges of low unemployment rates (2.1%). Each Commissioner thanked the Workforce Development Board for assisting Weld County residents obtain good paying jobs. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 2) NATIONAL PREPAREDNESS MONTH – SEPTEMBER 2018: Chair Moreno read the proclamation declaring September, 2018, as National Preparedness Month. Roy Rudisill, Director of the Office of Emergency Management, explained the goal of preparedness training is to assist citizens and businesses to respond effectively during an emergency. Each Commissioner thanked Mr. Rudisill and his staff for the outstanding training provided to different entities and keeping Weld County residents informed. Commissioner Conway encouraged residents to visit Emergency Management's web page, weldoem.com, on September 15, 2018, the National Day of Action. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, stated he didn't receive all the information from a CORA request and inquired if he needs to submit another CORA request. Mr. Barker stated Mr. Gillard was given the documents that pertain to his request. Mr. Gillard stated he would like an explanation on how the United Way organization became involved. In response to Mr. Gillard, Commissioner Kirkmeyer clarified about a recent news article pertaining to her soliciting donations for the OEM training. Commissioner Conway clarified Mr. Gillard is inquiring about the cost of the recent OEM/FEMA training.

BIDS:


 1) APPROVE BID #B1800131, CENTENNIAL CENTER COMPLEX (ROOF REPLACEMENT) – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, presented the four (4) bids received and stated staff recommends awarding to the low bidder, Progressive Services, dba Progressive Roofing, for the total amount of \$561,850.00. Toby Taylor, Director of the Department of Buildings and Grounds, stated the low bidder meets all the specifications and is a quality company. Commissioner Cozad moved to approve said low bid. The motion was seconded by Commissioner Conway, and it carried unanimously.


 2) APPROVE BID #B1800132, METHANE MONITORING SYSTEM (FLEET SERVICES FACILITY) – DEPARTMENT OF BUILDINGS AND GROUNDS *(CONT'D FROM 8/27/2018)*: Mr. Turf presented the sole bid received from Clean Energy Fuels Corporation in the total amount of \$228,716.00. Commissioner Freeman moved to approve the sole bid. Seconded by Commissioner Cozad, the motion carried unanimously.


 3) APPROVE BID #B1800112, GRADER MOUNTED ROAD STABILIZERS/RECLAIMERS (QTY. 2) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the sole bid received from RM Equipment for the total amount of \$508,180.00, which included Option 6 Manuals for the two (2) stabilizers. Jay McDonald, Director of the Department of Public Works, explained there is currently only one manufacturer who builds this type of equipment which attaches to a road grader. Commissioner Conway moved to approve the sole bid. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.


 4) APPROVE BID #B1800113, TANDEM AXLE TRUCK TRACTORS (QTY. 5) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the details of the three (3) bids presented and stated staff


recommends awarding to the low bidder, McCandless Truck Center, for five (5) 2019 International HX Tandem Axle Truck Tractors for the total amount of \$646,270.00. Commissioner Freeman moved to approve said low bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 5) APPROVE BID #B1800114, TANDEM AXLE TANK TRAILER WITH DUST PALLIATIVE SPRAY SYSTEM (QTY. 5) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the two (2) bids received and stated staff recommends awarding to the lowest bidder who meets all specifications, Kois Brothers Equipment Company, Inc., for the total amount of \$656,215.00. Commissioner Cozad moved to approve said bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.


 6) APPROVE BID #B1800115, SINGLE DRUM VIBRATORY ROLLER – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the three (3) bids received and stated staff recommends awarding to the second low bidder, 4 Rivers Equipment, for the total amount of \$185,500.00. Commissioner Freeman moved to approve said second low bid. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 7) APPROVE BID #B1800116, 29-TON PNEUMATIC ROLLER (QTY. 2) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the three (3) bids received and stated staff recommends awarding to the lowest bidder, Power Equipment Company, with Options 1 and 4, for the total amount of \$343,838.00. Commissioner Conway moved to approve said low bid. Seconded by Commissioner Cozad, the motion carried unanimously.

 8) APPROVE BID #B1800117, TANDEM TRUCK W/ PLOW – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff recommends awarding to the sole bidder, Transwest Truck Trailer (Kois), who meets specifications, for the total amount of \$226,931.00. Commissioner Cozad moved to approve sole bid. Seconded by Commissioner Freeman, the motion carried unanimously.


 9) APPROVE BID #B1800118, CREW CAB, 4X4 FLAT BED, DUAL WHEEL VEHICLE – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the four (4) bids received and stated staff recommends awarding to the low bidder who meets specifications, Auto Nation Ford Littleton, for the total amount of \$59,294.00. Commissioner Freeman moved to approve said low bid. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 10) APPROVE BID #B1800119, TANDEM AXLE DUMP TRUCK W/ SANDER AND PLOW WING – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the sole bid and stated staff recommends awarding to the sole bidder, Transwest Truck Trailer (Kois), for the total amount of \$285,728.00. Commissioner Cozad moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 11) APPROVE BID #B1800120, 3/4-TON, 4X4 FULL SIZE PICKUP, LONG BED, EXTENDED CAB (QTY. 4) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the six (6) bids received and stated staff recommends awarding to the lowest bidder who meets all specifications, Rush Medium Duty Truck Centers of Colorado, for the total amount of \$131,448.00. Commissioner Kirkmeyer moved to approve said bid. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 12) APPROVE BID #B1800121, 3/4-TON, 4X4 FULL SIZE PICKUP, SHORT BED, EXTENDED CAB W/ V PLOW – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the five (5) bids received and stated staff recommends awarding to the lowest bidder who meets the specifications, Weld County


Garage, for the total amount of \$36,715.00. Commissioner Conway moved to approve said bid. Commissioner Cozad seconded the motion, and it carried unanimously.


 13) APPROVE BID #B1800122, TANDEM TRUCK W/ SANDER, PLOW AND WING – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the sole bid and stated staff recommends awarding bid to the sole bidder, Transwest Truck Trailer (Kois), for the total amount of \$228,034.00. Mr. McDonald explained Public Works wants to standardize the engines, and Transwest Truck Trailer (Kois) is the only company that can offer this equipment. Commissioner Conway moved to approve the sole bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 14) APPROVE BID #B1800133, LEASED MOTORGRADER (QTY. 4), (36-MONTH LEASE) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the two (2) bids received and stated staff recommends awarding to the low bidder, 4 Rivers Equipment. He stated the yearly cost for four (4) machines is \$143,280.00. Mr. McDonald stated Public Works tries not to go over 1,500 hours on the machine to avoid paying a penalty. Commissioner Cozad moved to approve said low bid. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 15) PRESENT BID #B1800135, EXTENSION BUILDING REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the four (4) bids received and stated staff will bring back a recommendation on September 19, 2018.


NEW BUSINESS:

 1) CONSIDER 2018-2019 CHILD WELFARE RESPITE CARE CONTRACT PROVIDER LIST AND RATES: Esther Gesick, Clerk to the Board, on behalf of the Department of Human Services, presented the Child Welfare Respite Care Providers list and reviewed the three (3) providers who need to be removed from this list as follows: Kristin Mann, Vanessa Salazar and Kathryn Workman-Wurtz. Commissioner Freeman moved to approve the revised provider list. The motion, which was seconded by Commissioner Cozad, carried unanimously.



 2) CONSIDER 2018-2019 CHILD WELFARE COMPASS PROGRAM VENDORS LIST AND RATES: Ms. Gesick reviewed the details of the list of vendors who are associated with the Family Resource Team and partners with them to keep children in their own home. Ms. Gesick stated the Health Department submitted the final negotiated rates. Commissioner Cozad moved to approve said Child Welfare Compass Program Vendors list and rates. Seconded by Commissioner Conway, the motion carried unanimously.

 3) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – BERTHOUD LOCAL: Bob Choate, Assistant County Attorney, presented the application from Adele Work and Vickie McClain, for a Special Event which will be held October 22, 2018. He noted there are no concerns from the referrals. Commissioner Cozad moved to grant said Special Events Permit and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 4) CONSIDER MEMORANDUM OF UNDERSTANDING FOR RESTORATIVE JUSTICE PROGRAM AND AUTHORIZE CHAIR TO SIGN – YOUTH AND FAMILY CONNECTIONS: Michael Rourke, District Attorney, presented the terms of the annual memorandum of understanding where the District Attorney's Office partners with Youth and Family Connections to provide services for approximately 75 to 100 youths. Commissioner Kirkmeyer moved to approve said memorandum of understanding and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 5) CONSIDER TEMPORARY CLOSURE OF CR 28 BETWEEN CR 21 AND U.S. HIGHWAY 85: Amy Joseph, Department of Public Works, presented the correction stating the closure is on County Road 28 between County Road 21 and U.S. Highway 85, and explained there is no CR 23. She stated Kehn Construction is requesting this closure beginning September 10, 2018, through September 24, 2018, to complete the repairs for Bridge 28/23A. Commissioner Cozad moved to approve said revised temporary closure. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

PLANNING:

 1) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY ACCESS PERMIT FOR RECORDED EXEMPTION, RECX17-0101 – JOHN, JACQUELINE AND TAL SANDER (*CONT'D FROM 8/27/2018*): (*Clerk's Note: Chair Moreno recused himself since he was not present on August 27, 2018*). Dawn Anderson, Department of Public Works, stated staff met with the Sander family and representatives from RimRock who proposed closing the access point off CR 29, which is located across from W72, and then they would access a service road. She reported the Sander family agrees to the presented solution. Ms. Anderson explained if the Board grants the appeal staff would ask the Board to direct staff to present a favorable vote for the amendment process of the CR 29 Access Control Plan (ACP) to have the access located off CR 29. Commissioner Conway confirmed the adjacent neighbor to the north submitted a letter stating they agree with the access point. Commissioner Cozad clarified if the corrected RE plat will address the access points.  Tal Sander, resident of Pierce, explained he viewed the property and decided on the driveway without realizing the future plans of the shared access. In response to Chair Pro-Tem Kirkmeyer, Mr. Sander replied he agrees with working with the owners of Lot A and eliminating the shared access at W73A. He further stated the access would be corrected so the access for Lot A would be located at W74 to the north and the access for Lot B would be the address of 44875. Commissioner Cozad moved to grant the new access point for Lot B south of the existing W73A at the constructed driveway, work with the owner of Lot A to correct the plat, and direct staff to make a favorable vote to the amendment of the CR 29 ACP. The motion was seconded by Commissioner Freeman. Commissioner Cozad thanked the Sander family for their patience and for working with the Department of Public Works. Commissioner Freeman concurred with Commissioner Cozad. 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 10:01 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

EXCUSED DATE OF APPROVAL
Barbara Kirkmeyer, Pro-Tem

EXCUSED DATE OF APPROVAL
Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO SEPTEMBER 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, September 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 - EXCUSED
Commissioner Sean P. Conway - EXCUSED
Commissioner Julie A. Cozad
Commissioner Mike Freeman


Also present:

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


 **MINUTES:** Commissioner Freeman moved to approve the minutes of the Board of County Commissioners meeting of September 5, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Cozad moved to approve the Certification of Hearings conducted on September 5, 2018, as follows: 1) USR18-0040 – Janice Carson and David Uhrich, c/o Alden Solar CSG, LLC, Attn: Community Energy Solar, 2) USR18-0041 – State Board Land Commissioners, c/o Platteville Solar CSG, LLC, Attn: Community Energy Solar, and 3) USR18-0062 – Richard and Jean Dumm, and Martie and Richard Dumm Jr., c/o Dairy Tech, Inc. Commissioner Freeman seconded the motion, which carried unanimously.


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

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


PRESENTATIONS:

 1) **RECOGNITION OF SERVICES, SHERIFF'S OFFICE – ROGER AINSWORTH:** Chair Moreno read the certificate for the record recognizing Roger Ainsworth's dedicated service to Weld County and the Sheriff's Office. Steve Reams, Sheriff, stated Mr. Ainsworth served the Sheriff's Office for thirty-five years and his absence at the Sheriff's Office will be impactful. Mr. Ainsworth stated he had good opportunities and has worked with four (4) different Sheriffs during his time with the County.


Commissioner Freeman reported the employees of the Sheriff's Office don't always receive the recognition that they deserve and wished him well on his retirement. Each Commissioner expressed their pride on the huge impact he has had on the other employees of the Sheriff's Office and the citizens of Weld County. Commissioner Cozad concurred with the comments, thanked him for his sacrifice and wished him well on his retirement. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


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


BIDS:


 1) APPROVE BID #B1800134, WELD COUNTY ADMINISTRATION BUILDING (1150 REMODEL) – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, presented the six (6) bids received and stated staff recommends awarding to the low bidder, TCC Corporation, with the fees as stated in the staff memo. Commissioner Cozad moved to approve said low bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

NEW BUSINESS:

 1) CONSIDER FOUR (4) STANDARD FORMS OF AGREEMENTS AND RATES FOR VARIOUS OUT-OF-HOME PLACEMENT SERVICES BETWEEN THE WELD COUNTY DEPARTMENT OF HUMAN SERVICES AND VARIOUS PROVIDERS ON ATTACHED LISTS AND AUTHORIZE CHAIR TO SIGN AGREEMENTS CONSISTENT WITH SAID FORMS: Judy Griego, Director of the Department of Human Services, reviewed the updated forms for out-of-home placement services, vendors and rates. She stated the updated rates reflect their newly established State base anchor and grandfathered rates for the following, County Foster Care Homes, Child Placement Agency Services, Group Homes/Group Center Care and Residential Child Care Facilities. Commissioner Freeman moved to approve said four (4) standard forms of agreement vendor and rates and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.


 2) CONSIDER EMPLOYMENT FIRST PLAN FOR FISCAL YEAR 2019: Ms. Griego presented the plan, which ratifies and recertifies that Weld County is a mandatory program for all Unemployment First participants who are receiving food stamp assistance. Commissioner Cozad moved to approve said plan and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R2430203 – WIZBON INVESTMENTS, LLC: Chris Woodruff, Weld County Assessor, presented the details of the property located in Windsor as a retail commercial shopping center. He stated there was a partial adjustment made in the year 2018. He recommended a reduction of the property value for 2017, which would result in a tax refund of \$12,603.58. Commissioner Cozad moved to approve the petition in-part. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 4) CONSIDER TEMPORARY CLOSURE OF CR 29 BETWEEN CRS 84 AND 86: Amy Joseph, Department of Public Works, presented the temporary closure beginning September 17, 2018, through October 19, 2018, to make repairs to bridges 29/84A and 29/84B. She reported the gravel roads along the detour route will be treated with magnesium chloride for dust abatement. Commissioner Cozad moved to approve said temporary closure. Seconded by Commissioner Freeman, the motion carried unanimously.

 5) CONSIDER TEMPORARY CLOSURE OF CR 78 BETWEEN CR 35 AND U.S. HIGHWAY 85: Ms. Joseph reviewed the temporary closure beginning September 11, 2018, through September 14,

2018, to replace an irrigation culvert. Commissioner Freeman moved to approve said temporary closure. Seconded by Commissioner Cozad, the motion carried unanimously.

 6) CONSIDER DECLARING CERTAIN REAL ESTATE AS SURPLUS PROPERTY, APPROVE A CONTRACT TO BUY AND SELL REAL ESTATE (NUNN GRADER SHED – 529 ADAMS AVENUE) TO THE TOWN OF NUNN, AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS: Bruce Barker, County Attorney, stated this is to transfer ownership of the grader shed to the Town of Nunn for their use. Terry Tinsley, Mayor, stated he appreciates receiving the offer of the Grader Shed because they didn't have any storage available. He also thanked the Board for paving CR 98. Commissioner Cozad stated the Grader Shed is surplus property and expressed her pride that the County will allow the Town of Nunn to have the shed. Commissioner Freeman thanked Mayor Tinsley for working with the County and stated how important it is to have these positive working partnerships. Chair Moreno concurred. Commissioner Freeman moved to declare certain real estate as surplus property, approve said contract to buy and sell the Nunn Grader Shed, and authorize the Chair to sign any necessary documents. The motion, which was seconded by Commissioner Cozad, carried unanimously.

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

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

There being no further business, this meeting was adjourned at 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

EXCUSED

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO SEPTEMBER 12, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, September 12, 2018, at the hour of 9:00 a.m.


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


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

Also present:

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


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

 **AMENDMENTS TO AGENDA:** Commissioner Cozad moved to delete the following from New Business: 4) Consider Second Amendment to Original Lease and to Sublease and authorize Chair to sign – NCMC, Inc., and Banner Health. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously. In response to Commissioner Kirkmeyer, Bruce Barker, County Attorney, stated there is a lease, but the County needs the building on May 1, 2019, so it is not necessary to sign the second amendment. Mr. Barker suggested sending a letter from the Board notifying Banner and NCMC they have until May 1, 2019, to vacate the building and, that they need to pay the delinquent lease to make the lease current. Commissioner Cozad suggested meeting with NCMC about the delinquent rent payments. Commissioner Conway agreed a letter be sent notifying Banner.


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


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, inquired about videotaping the County Commissioners' Board meetings. Chair Moreno stated there has not been any discussion at this time.


BIDS:

 1) APPROVE BID #B1800138, PATROL ALL-WHEEL DRIVE OR 4X4 SUV-PURSUIT RATED (QTY 10) – SHERIFF’S OFFICE: Rob Turf, Department of Purchasing, presented the five (5) bids received and stated staff recommends awarding to the low bidder, meeting specifications, AutoNation Ford. Commissioner Kirkmeyer moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.



NEW BUSINESS:



 1) CONSIDER CONTRACT ID #2072 GRANT CLOSEOUT FOR VARIOUS WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PROGRAMS AND AUTHORIZE CHAIR TO SIGN: Lennie Bottorff, Department of Human Services, reviewed the grant closeout report for various Workforce Innovation Opportunity Act (WIOA) programs. He stated this report reflects that the Department of Human Services has fulfilled its grant obligations. Commissioner Kirkmeyer moved to approve said closeout report and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R2569303 – MCR FARNSWORTH, LLC, C/O WALGREEN COMPANY: Chris Woodruff, Assessor, presented the petition for abatement for tax year 2017 for property located on Main Street in Windsor. He stated staff is recommending a partial adjustment with a refund of \$1,587.77. In response to Commissioner Conway, Mr. Woodruff stated the abatement for 2018 was resolved by the Board of Equalization. Commissioner Cozad moved to approve, in-part, the petition for Abatement or Refund of Taxes. The motion was seconded by Commissioner Conway, and it carried unanimously.

 3) CONSIDER RECOMMENDATION TO REAPPOINT GEORGE HEATH TO GREELEY HOUSING AUTHORITY BOARD: Commissioner Conway moved to approve said recommendation to reappoint George Heath to the Greeley Housing Authority Board. The motion was seconded by Commissioner Freeman, and it carried unanimously. Commissioner Cozad expressed her appreciation to George Heath for being a dedicated public servant.

OLD BUSINESS:

 1) CONSIDER CERTIFICATION TO THE WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – LANCE RAUSCH (*CONT'D FROM 8/8/2018*): Karin McDougal, Assistant County Attorney, presented a brief overview of the subject property and timeline of the violations. She stated the Board recommended a continuance to allow the landowner to clean up the property and allow time for his attorney to be present. Ms. McDougal stated she spoke with Mr. Rausch’s attorney and stated he is unable to be present due to a family emergency. Bethany Pascoe, Zoning Compliance Officer, presented photos of the property and explained a statement from the adjacent land owner who indicated the trash on his property is a spillover from the property in violation. She stated a tent had been constructed, which will need to be permitted, and noticed an attempt was made to add screening; however, the fencing materials need to be consistent. Ms. Pascoe reported there hasn’t been a pre-application submitted for a recycling facility and Mr. Rausch confirmed all the items on the property belong to him. She stated there are multiple vehicles parked on the site, along with piles of pond liner. She stated along the north property line there is a wood fence installed. Ms. Pascoe reported the tenants of the camping trailers are gone and the Sheriff’s Office has not had to visit the property. Deputy Lisa Carpenter, Sheriff’s Office, confirmed while doing a wellness check for the tenants living on the she property, discovered the tenants no longer reside there.  Lance Rausch, property owner, stated he has nothing to do with the property referenced in the photos where the trash is being dumped. He clarified screening has been installed, which he believes effectively screens his property. He noted he is doing his best to work with the County to bring his property into compliance. In response to

Commissioner Conway, Mr. Rausch clarified slides #26 and #27 are not his property. Mr. Rausch stated he doesn't know the people in the photos but believes Steven Bolter hired the people. He explained Steven Bolter is associated with the Motel on East 18th Street and his brother, David Bolter, is the owner of the adjacent property.  Fred Leavitt, adjacent property owner, stated he took the pictures, but it was not on his property. He said there was illegal dumping of the trash, but it wasn't dumped by Mr. Rausch.  In response to Commissioner Cozad, Ms. Pascoe stated the property is still not in compliance. Ms. McDougal confirmed Mr. Rausch is also not in compliance with the stipulations agreed to in court. Mr. Rausch stated he doesn't feel qualified to address this violation, but his attorney had a family emergency and is not present today. He stated staff keeps coming up with new parameters and stipulations with which he must comply. Mr. Rausch expressed his frustration that Ms. Pascoe didn't accept his attempts at progress. Mr. Rausch reported he started screening his property two (2) years ago, when he first received notice from the County. He explained Ms. Pascoe inspected the screening and he thought he was in compliance with the County. Mr. Rausch stated he believes he has demonstrated his willingness to work with the County and spent a lot of money to construct the screening. Commissioner Cozad told him he has a commercial junkyard and he needs to have it permitted because he is selling items. He stated these are his personal items and he is selling the pump liners for Steven Bolter, but he is willing to tell Mr. Bolter to move the junk. Commissioner Conway confirmed the fines have been imposed by the District Court and continue to accrue every day. Mr. Barker stated Mr. Rausch had the opportunity to hire legal representation and the daily fines have been imposed by the court since 2017, so his attorney should petition the court to modify the order. Mr. Rausch requested he be allowed a reasonable amount of time to clean up the property. Commissioner Kirkmeyer presented the timeline for the record and stated there is evidence of Mr. Rausch operating a commercial junkyard. She explained the reason for today's hearing is to decide whether there is enough evidence to certify this to the Treasurer. Commissioner Freeman confirmed Mr. Rausch's property is not in compliance and he will support the motion. Commissioner Kirkmeyer moved to approve said certification to the Weld County Treasurer of Zoning Violation penalties as special assessment. Seconded by Commissioner Cozad, the motion carried unanimously. Commissioner Conway stated he is not in support of the motion because of concerns with the process. Upon a roll call vote, the motion passed four to one, with Commissioner Conway opposed. Commissioner Conway explained the reasons he is opposed to this motion and suggested Mr. Rausch and his attorney work to modify the judgment which was ordered by the court and get the property cleaned up. Commissioner Kirkmeyer clarified Mr. Barker was making recommendations for the Commissioners.

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

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

There being no further business, this meeting was adjourned at 9:55 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO SEPTEMBER 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, September 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
Commissioner Mike Freeman

Also present:


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

 **MINUTES:** Commissioner Kirkmeyer moved to approve the minutes of the Board of County Commissioners meeting of September 12, 2018, as printed. Commissioner Cozad seconded the motion, and it carried unanimously.


 **AMENDMENTS TO AGENDA:** Commissioner Kirkmeyer moved to add Deputy David Clarke to Presentations under Meritorious Service Awards. The motion, which was seconded by Commissioner Conway, carried unanimously.


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


PRESENTATIONS:

 1) GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) CERTIFICATE OF ACHIEVEMENT FOR BUDGET PRESENTATION – DONALD WARDEN, DIRECTOR OF FINANCE AND ADMINISTRATION: Chair Moreno read the letter for the record recognizing Don Warden, Director of Finance and Administration, and reported this is Weld County's 39th year receiving this award. Commissioner Kirkmeyer stated the award is for Mr. Warden commitment and meeting the highest standards for budget presentation. Each Commissioner expressed their appreciation to Mr. Warden and all of the departments which contributed to the process. (Clerk's Note: The Board paused the meeting for a photo opportunity.)


(Clerk's Note: Sheriff Steve Reams presented the following awards in no particular order.)


 2) MERITORIOUS SERVICE AWARD, SHERIFF'S OFFICE – BOB HELLING AND DAVID CLARKE: Sheriff Reams presented the Meritorious Service Award to Bob Helling for his many years volunteering with the Sheriff's Office and thanked him for his selfless service to the residents of Weld County. Sheriff Reams presented the Meritorious Service Award to David Clarke for assisting a woman with medical issues, while he was at lunch.


 3) LIFE SAVING AWARDS, SHERIFF'S OFFICE – BRIAN HAMMOND, AMY ANDERSON, AND BRANDON ONG: Sheriff Reams presented the Life Saving Award to Brian Hammond and Amy Anderson who were able to aid an inmate who had self-inflicted injuries. Sheriff Reams presented the Life Saving Award to Brandon Ong for offering medical assistance to a woman who was severely injured during a domestic dispute.


 4) RIBBON OF MERIT AWARDS, SHERIFF'S OFFICE – SHERRI CARMIN AND ANISSA TROUT: Steve Reams, Sheriff, presented the Ribbon of Merit Awards to Anissa Trout and Sherri Carmin for assisting a suicidal caller. Commissioner Freeman thanked the recipients for their service to Weld County citizens. Commissioner Kirkmeyer thanked Sheriff Reams for presenting the awards at the Board meeting so they can recognize the Officers publicly. Each one of the Commissioners thanked the Deputies' families for their sacrifices. *(Clerk's Note: The meeting was paused for a photo opportunity.)*


(Clerk's Note: Chair Moreno moved item #8 in response to a large public presence.)


 8) CONSIDER EXPRESSION OF OPPOSITION FOR PROPOSITION 112 ("SETBACK REQUIREMENT FOR OIL AND GAS DEVELOPMENT"): Bruce Barker, County Attorney, reviewed the background for the proposed ballot item and Chair Moreno read the resolution for the record.


 Dave Kulmann, resident of Thornton and representative for SRC Energy, spoke in support of the Commissioners' Resolution and in opposition of Proposition 112.


 Gilbert Trujillo, resident of Thornton, stated he works in the oil industry, and strongly opposes Proposition 112, because if it passes, it will affect tax revenues, building booms, and will have other negative effects on Colorado's economy.


 Doug Dennison, resident of Windsor, stated he is a proud 3rd generation Colorado native, and presented his stance in opposition of Proposition 112. He expressed his fear of not having enough resources. He reported Weld County needs to drill new wells and complete wells but if the proposal passes there won't be any incentive to replace the old wells. He also encouraged individuals to consider how the oil and gas industry affects their lives and how they benefit from the industry.


 Colton Berg, resident of the Town of Severance, expressed his opposition to Proposition 112, on behalf of Noble Energy and his family. He offered support to the Commissioners and implored them to support the oil and gas industry.


 Chris McGowen, on behalf of CBC, stated CBC represents all facets of the oil and gas industry and thanked the individuals in the room for supporting the industry and expressed his support of the Commissioners' Resolution opposing Proposition 112. He stated Weld County has a large presence in the energy industry.


 Ryan Seastrom, representative of COGA, expressed his appreciation to the Commissioners and to Weld County for working and partnering with the oil and gas industry. He stated Proposition 112 will have a negative impact on the County, as well as, the oil and gas industry.


 Commissioner Kirkmeyer moved to approve said resolution. The motion, which was seconded by Commissioner Conway, it carried unanimously.

 Commissioner Kirkmeyer stated she is proud of having the oil and gas industry in Weld County. She stated during the Flood of 2013, the oil and gas industry assisted Weld County residents, who were displaced by the floods. She stated Proposition 112 is reckless and the County does not need another regulation for oil and gas. Commissioner Conway thanked the individuals that represent the oil and gas industry and stated Proposition 112 is a dumb idea and it will impact the vital services important to the County. He expressed his appreciation to the oil and gas industry for stepping up during the 2013 floods. He expressed his opposition against Proposition 112 and encouraged everyone to speak with their neighbors about the negative effects this will have on them.


 Commissioner Freeman stated Proposition 112 will have unintended consequences and because oil and gas are a way of life for Weld County, it will devastate Colorado's economy and they will lose billions of dollars for schools, emergency responders and jobs. Commissioner Cozad concurred and explained Proposition 112 is not based on anything scientific but is a ban on oil and gas. She stated this is about people, family, neighbors and friends and all the individuals representing oil and gas are heroes. She expressed her frustration with the supporters of Proposition 112 and the comments made to retrain oil and gas employees to do different jobs. She stated this will devastate a community like the Town of Milliken. Chair Moreno concurred with his fellow Commissioners and stated this is not about politics. He expressed his frustration with the lack of education about Proposition 112 and agrees with maintaining the quality of life to protect the land, air and water. He offered his support of the Resolution and explained because of the support from the Oil and Gas industry, the construction of CR 49 was possible. Upon a roll call vote, the motion passed unanimously.


 *(Clerk's Note: Chair Moreno called for a short recess and reconvened the meeting at 10:23 a.m. In order to accommodate the schedule of CDOT representatives, items #13 through 17 were all called up for consideration.)*


 13) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF CR 2.5 – DEPARTMENT OF PUBLIC WORKS: Elizabeth Relford, Department of Public Works, presented the five roads which are being vacated and explained there are four (4) located east of U.S. Highway 85 and one (1) County Road (CR) 104, which is to the west. She reviewed the request to the Public Utilities Commission (PUC), from the County, on behalf of Union Pacific Railroad, to close five (5) crossings. She presented the timeline and reported the Colorado Department of Transportation (CDOT) and the Union Pacific Railroad (UPRR) have been negotiating for 12 years; furthermore, the purpose is to ensure the long-term stability and improved safety of the U.S. Highway 85 Corridor. She stated the rights-of-way are under Weld County's jurisdiction and because CDOT doesn't have the authority to close roads, Weld County and CDOT held public meetings regarding the closures.


 Johnny Olson, Colorado Department of Transportation representative, explained this is a partnership between CDOT, Weld County and the UPRR. He stated Highway 85 is a system, including the State highway, local roads, and an active rail system. He stated their primary focus is safety of the U.S. Highway 85 corridor and mobility of the communities. He explained UPRR has no ability to expand the railroad. He reported they look at what needs to be done to improve operations and keep the traveling


public safe. He stated this will be good for Northern Colorado's safety and it will cost more for a continued lease if they keep things as they are now.

 In response to Commissioner Conway, Ms. Relford explained the PUC has authority over the public crossing of the railroad and the County has authority over the road. Commissioner Conway clarified the PUC can authorize the closure of the road without public comment. In response to Commissioner Conway, Mr. Olson explained CDOT has time commitments to the UPRR, have lost time and want to show UPRR their good faith. Commissioner Kirkmeyer clarified they are in the process of the design. Ms. Relford stated the PUC has a public meeting for CR 2.5 scheduled in October. Mr. Olson stated there might not be any more public hearings, but there could be administrative review. In response to Commissioner Kirkmeyer, Lance Kippin, representative of Union Pacific Railroad, stated UPRR identified key crossings so they selected a 10,000-foot corridor which would accommodate a stopped train without blocking a crossing.


 Ms. Relford presented the petition to vacate CR 2.5 and stated it is located 1,200 feet east of U.S. Highway 85 and is primarily in the railroad right-of-way owned by UPRR. She explained since it is in the City of Brighton, they met with emergency services and the Brighton 27J School District to inform them how their response times would be impacted, and staff received concerns from landowners.


 Chad Hall, CDOT representative, addressed the comments regarding CR 2.5 and stated there will be a service road with a gate for emergency personnel to access located on the east side of the tracks, between New Energy Drive and CR 2. Commissioner Cozad confirmed the Greater Brighton Fire District will support the closure if they have the frontage road.



 Thomas Deline, representative of Monaghan Farms, Inc., expressed his concern with the closure because it will impact the primary access and the enjoyment and use of his family's property. Mr. Deline explained CR 2.5 is not a well-maintained road and suggests the County improve and maintain the road. He believes if the CR 2.5 crossing is closed, it will increase the emergency response times. He reported he has filed a complaint with Weld County and the PUC about the closure. Bob Choate, Assistant County Attorney, clarified Mr. Deline is referring to the discovery obtained during the PUC and CDOT meeting. Mr. Deline implored the Commissioners to postpone the vote until after the PUC and to obtain more funds to improve roads. Commissioner Conway suggested continuing this matter for a month until after the PUC meeting on October 15, 2018. Mr. Barker clarified convenience is not criteria of determination for the vacation, but the main consideration is to determine if the property will be landlocked and if they have access to a public road. He went on to explain the right-of-way determines if people can get to a public crossing. Mr. Olson explained the vacation must be obtained before this is submitted to the PUC and an agreement must be in place with the County to complete improvements. He stated he wants to work with the public and the County to move forward on improvements and find a solution. Mr. Olson stated the closure of the crossing at CR 2.5 is critical to move forward on this project and there are safety concerns. Mr. Choate reported there is a hearing scheduled in October and it's hard to predict the outcome of the hearing, so the Commissioners should take that in consideration when determining if continuing this matter would be beneficial.


 Cliff Lane, resident of the City of Brighton, stated he operates an outdoor storage facility, which stores large equipment and trucks and is located adjacent to the closure. He explained if CR 2.5 is closed, there will be a blind curve which will make it hard for his customers to get to his property and turn around. He stated when CR 2.5 is closed, it will impact his way of life and believes the PUC should take this into


consideration. He reported April 9th was the first notification he received about the crossing being closed and would request a continuance. Commissioner Cozad stated a train can block CR 2.5 regardless of the closure and would increase emergency times. Ms. Relford explained when they met with emergency services, they preferred to know the crossing is closed. She suggested installing a gate that they can use for their business and looking at improvements for turnarounds. She explained once the Board agrees to move forward, Public Works will continue with the other improvements.



 Mr. Deline expressed his frustration with the trains blocking the crossing and stated he has noticed an increase in the length of time the trains block the crossing since the right-of-way process started. Commissioner Cozad stated the railroad has the right to stage their trains and use their railroad right-of-way.


 Lance Kippen, representative of UPRR, explained the railroad business fluctuates and is in their peak season which goes until the first part of January. Commissioner Kirkmeyer stated the County Road is in the railroad right-of-way and they are trying to work with the railroad and CDOT and she replied the railroad can exercise use of their right-of-way anytime. Mr. Olson stated without the closure they would have to pay a larger lease and it would be unfavorable for Northern Colorado. Commissioner Conway moved to continue said matter to *October 22, 2018*, which was seconded by Chair Moreno for purpose of discussion. Mr. Choate explained there won't be a decision for approximately 60 days after the hearing. Chair Moreno stated he feels like postponing this matter will not allow the partnership to continue and they need to focus on the U.S. Highway 85 corridor, because this discussion was started several years ago. Commissioner Freeman explained his position on continuing this matter and stated the UPRR can exercise use of their right-of-way anytime. Commissioner Kirkmeyer stated she isn't in support of the continuation and clarified the criteria the PUC looks for when making their decision. Commissioner Conway stated his motion to continue is not to alter the closure of the crossing but to let the public have a voice at the PUC. Upon a roll call vote to authorize the motion to continue, this motion failed four to one with Commissioner Conway in favor. Commissioner Cozad moved to approve the petition and authorize vacation of a portion of CR 2.5 which was seconded by Commissioner Freeman. Mr. Barker clarified the motion made by Commissioner Cozad includes all the findings as stated in the Resolution. Upon a roll call vote, the motion passed four to one with Commissioner Conway opposed.



 14) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF CR 29 – DEPARTMENT OF PUBLIC WORKS: Ms. Relford stated the CR 29 closure is located south of the Town of Gilcrest, east of and adjacent to U.S. Highway 85. She noted there have not been any concerns from the referrals sent.  Commissioner Kirkmeyer moved to approve said vacation of a portion of CR 29. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 15) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF CRS 35 AND 46 – DEPARTMENT OF PUBLIC WORKS: Ms. Relford explained the CR 35 and CR 46 right-of-way is located north of the Town of Peckham and southeast of the Town of LaSalle. She displayed a slide labeling the response times for emergency personnel.


 Kay Bokleman, resident of La Salle, suggested Weld County have a proposal to rework CR 44 and US. Highway 85, because CR 46 is the safest way to access U.S. Highway 85. She requested the closing of CR 46 be delayed until a safer crossing is constructed at CR 44. Ms. Bokleman explained CR 48 is not a good option for a crossing because the road is not well maintained. She expressed her frustration with only receiving three (3) weeks notification of the closing. Commissioner Kirkmeyer clarified the notification of the PUC signage that was posted notifying the public and stated the short notice is unacceptable. In response to Commissioner Kirkmeyer, Mr. Barker stated the Commissioners can


suggest the right-of-way will be vacated only upon substantial improvements of the CR 44 interchange at U.S. Highway 85.  Commissioner Kirkmeyer presented the language as suggested by Mr. Choate as follows: *“by the Board that the portion of right-of way which is described above shall be vacated upon the reconstruction of intersection of CR 44”*.; however, Commissioner Kirkmeyer suggested adding *“upon the substantial completion of the improvements of CR 44”*, instead of reconstruction. Commissioner Kirkmeyer moved to amend the resolution and add *“by the Board that the portion of right-of-way which is described above shall be vacated upon the substantial completion of the improvements of CR 44 and U.S. Highway 85 with such vacation being effective upon subsequent findings by the Board that the improvements have been completed.”* The motion, which was seconded by Commissioner Conway, carried unanimously.  In response to Commissioner Freeman, Mr. Olson stated they are working toward substantial completion of this intersection, by the year 2022. Commissioner Kirkmeyer moved to approve the amended resolution and findings, which was seconded by Commissioner Conway, and the motion carried unanimously.


 16) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF CR 72 – DEPARTMENT OF PUBLIC WORKS: Ms. Relford stated this right-of-way is located east of and adjacent to U.S. Highway 85 and the area is in the RE-2 School District, the Town of Eaton, Banner Health Ambulance Services, and the Eaton Fire Protection District.


 Gregg Carson, Town Manager of Eaton, stated Liberty Oil, Omaha Track and UPRR are working on a large sand operation and currently have use of this crossing. He stated there is a proposal to build two (2) miles of continuous track so trains have a place to sit and won't block the intersections and roads and, because of the increase in truck traffic, he is in favor of the vacation of CR 72. Commissioner Conway stated it is important this long-term project be included on the record.  Commissioner Kirkmeyer moved to authorize vacation of a portion of CR 72. Seconded by Commissioner Cozad, the motion carried unanimously.


 17) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF CR 104 – DEPARTMENT OF PUBLIC WORKS: Ms. Relford reviewed briefly the location of this right-of-way which is west of and adjacent to U.S. Highway 85 and northwest of the Town of Nunn, within the Town of Ault-Highland RE-9 School District, Banner Health Ambulance Services and the Nunn Fire Protection District. She stated this is being vacated to reduce the potential for train/vehicle conflict because there has been an increase in accidents at this crossing. *(Clerk's Note: Please click on the next bookmark to continue with public comments on CR 104.)*



 Krea Sledge, resident of the Town of Nunn, requested the crossing at CR 104 not be closed. She explained because this area is rural, it is different from the other crossings, and it would make it difficult for a first responder who needs to access U.S. Highway 85 by CR 104. She stated rerouting traffic to CR 100 will not be a safer route and she requested the County better maintain CR 100. She expressed her concern with a child getting picked up by the school bus, because it is difficult for the bus to turn around. Ms. Sledge contacted her neighbors after seeing the sign about the closure to see if they had been notified. She stated she wrote a letter to have the closure stopped. Ms. Sledge requested the County maintain CR 27, because the Town of Nunn doesn't currently maintain it. She stated, ideally, she would like to see CR 27 paved from CR 100 to CR 110. She reported she has not seen any accidents occurring at this crossing and noted there are not safety concerns like the other crossings. Ms. Sledge stated the closing of this crossing will impact the residents' daily lives.


 Jerry Elley, resident of the Town of Nunn, described where his property is located and stated there are accidents there, which occur when vehicles are northbound and come over the bridge, the intersection at CR 104 isn't visible. He implored the Commissioners to close the access.

 Charles Crew, resident of the Town of Nunn, stated he is in favor of closing the crossing, but agrees CR 27 will need improvements.


 John Sledge, resident of Carr, stated he uses CR 104 consistently when he travels south. He explained the Town of Nunn annexed CR 27 from the County, however; they have not maintained it. He announced he would travel to Cheyenne to conduct his business if this crossing is closed. He expressed he would like the County to enter into an agreement with the Town of Nunn to complete improvements to CR 27 north of CR 100.


 Michael Palmer, resident of the Town of Nunn, stated his property is directly north of CR 104 and he will lose access to his property. He requested a driveway off U.S. Highway 85 to access his property.

 In response to Commissioner Cozad, Ms. Relford stated they recognized the landowner is close to the right-of-way and she confirmed it is in CDOT's jurisdiction. Mr. Olson stated CDOT will work with the landowner to make sure he has access to his property. Mr. Olson stated Mr. Palmer will need to obtain an access permit before he gets a building permit. Mr. Olson stated there is a different access plan on this corridor. In response to Commissioner Conway, Mr. Olson stated Mr. Palmer would need to apply for a Change of Use permit with CDOT. Commissioner Kirkmeyer suggested adding a 6th WHEREAS, stating the Board has given direction to staff to work with CDOT, and the Town of Nunn to pave CR 27 or maintain it.  Mr. Olson stated CDOT will work with the County and the Town of Nunn to analyze costs and enter into an Intergovernmental Agreement for paving and improvements to CR 27.


 Commissioner Kirkmeyer moved to amend the resolution and add: *"Whereas, the Board has directed County staff to work with the Town of Nunn and CDOT to make improvements or maintenance for CR 27 between CR 100 and CR 104,"* which was seconded by Commissioner Cozad. Commissioner Kirkmeyer moved to approve the amended Resolution for Petition of Vacation for a Portion of CR 104. Commissioner Cozad seconded the motion and stated she supports the motion as it addresses improving CR 27. Commissioner Kirkmeyer reported there were public meetings in the different municipalities, and announcements in the newspaper and radio to address the closures. Commissioner Kirkmeyer clarified the goal of this is to improve safety along the railway, along the entire U.S. Highway 85 corridor. Commissioner Kirkmeyer stated they started working on the Access Control Plan in 1997. Upon a roll call vote, the motion passed four to one with Commissioner Conway opposed.


(Clerk's Note: After calling a brief recess, Chair Moreno reconvened the meeting at 12:57 p.m.)


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, requested clarification about what constitutes harassment during the Public Input portion of the Board's hearing. Chair Moreno stated he will have the information to Mr. Gillard at the County Commissioner Board meeting on Monday, September 24, 2018.


 Duane Leise, resident of Longmont, announced he is running for the District 2 seat for Weld County Commissioner. He referred to Agenda item #9, which is to Consider Reapproval and Confirm Reimbursement of Legal Expenses in the Amount of \$12,268.57 Paid to Commissioner Julie Cozad by and Through Weld County Warrant Number 3331998 on March 7, 2018, and expressed his frustration with the timing of the work session. He stated the Commissioners need to do better and raise the bar. He announced there were not enough people involved in the discussion and suggested there needs to be more political party balance within the County Commissioners.

NEW BUSINESS:


 1) CONSIDER CONTRACT ID #2066 FOURTH AMENDMENT TO DIAGNOSTIC SERVICES AGREEMENT FOR TUBERCULOSIS CONTRACT PROGRAM AND AUTHORIZE CHAIR TO SIGN – BANNER HEALTH, DBA NORTH COLORADO MEDICAL CENTER: Dr. Mark Wallace, Director of the Department of Public Health and Environment, reviewed the details for the fourth amendment with Banner Health and North Colorado Medical Center, who will provide the technical component of diagnostic imaging and radiology services. He stated they will do two-view chest x-rays for diagnosis of Tuberculosis and cover patients in the Tuberculosis Control program. Commissioner Conway moved to approve said fourth amendment and authorize the Chair to sign. Seconded by Commissioner Cozad, the motion carried unanimously.

 2) CONSIDER CONTRACT ID #2067 TASK ORDER AMENDMENT #1 FOR MATERNAL AND CHILD HEALTH (MCH) PROGRAM AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace stated this task order amendment which has two components; the first focuses on childhood obesity. He reported the obesity rate for children is 10.7 percent in Weld County. He reviewed the second component which focuses on children with special needs and assisting their families obtain services. Commissioner Kirkmeyer moved to approve said Task Order Amendment #1 and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 3) CONSIDER CONTRACT ID #2083 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – TOWN OF KERSEY: Mike Wallace, Director of the Department of Public Safety Communications, reviewed the terms of the amendment to the agreement for wireless radio services with the Town of Kersey Police Department. Commissioner Conway 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 #2084 AGREEMENT FOR COMMUNICATIONS TOWER AND SITE LEASE AND AUTHORIZE CHAIR TO SIGN – WIRELESS SPECIALIST, LLC: Mr. Wallace presented the terms of the monthly lease with Wireless Specialist, LLC, for the Grover Radio Tower Site for a single antenna and a radio box. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


(Clerk's Note: The Board recessed for lunch at 12:57 p.m. and reconvened at 1:37 p.m.)


 5) CONSIDER ADDENDUM #23 TO AGREEMENT FOR SERVICES AND ADDENDUM #24 CLAIM PAYMENT FUNDS AND AUTHORIZE CHAIR TO SIGN – COLORADO TECHNICAL SERVICES, INC. (CTSI): Commissioner Cozad moved to approve said Addendum #23 to Agreement for Services and Addendum #24 Claim Payment Funds and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.


 6) CONSIDER CONTRACT ID #2082 AGREEMENT FOR 2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT AND AUTHORIZE CHAIR TO SIGN: Roy Rudisill, Director of the Office of Emergency Management, presented the 2019 Emergency Management Performance Grant for \$76,000.00, which is an increase of \$11,000.00 from 2017. Commissioner Conway 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 #2088 GRANT CHANGE ORDER FOR HAZMAT PLANNING CONTRACTOR (BID #B1800043) AND AUTHORIZE CHAIR TO SIGN – HEARTLAND CONSULTING

GROUP, LLC: Mr. Rudisill stated the original contract with Heartland Consulting Group, LLC, is for \$60,000.00 and he is requesting a change order for an additional \$10,000.00 to cover costs for commodity flow studies, mapping products and continued analysis of chemical facilities. Commissioner Freeman moved to approve said Change Order and authorize the Chair to sign. Commissioner Conway seconded the motion, and it carried unanimously.


 9) CONSIDER REAPPROVAL AND CONFIRM REIMBURSEMENT OF LEGAL EXPENSES IN THE AMOUNT OF \$12,268.57 PAID TO COMMISSIONER JULIE COZAD BY AND THROUGH WELD COUNTY WARRANT NUMBER 3331998 ON MARCH 7, 2018: Commissioner Cozad recused herself from the vote. Mr. Barker stated this is to reapprove the Warrants which were on the Consent Agenda, March 7, 2018, and provides the Commissioners the authority to approve the expenses submitted. This was a result of an IEC complaint that was received in April, 2018. In response to Commissioner Conway, Mr. Barker stated because of the IEC complaint, it gives the Board the opportunity to acknowledge this is a reimbursable expense. Commissioner Freeman moved to approve and confirm reimbursement of legal expenses, which was seconded by Commissioner Kirkmeyer. Upon a roll call vote, the motion passed three to one, with Commissioner Conway opposed, and Commissioner Cozad recused. Commissioner Freeman inquired to the reason why Commissioner Conway did not agree with reimbursing Commissioner Cozad's legal fee. Commissioner Conway stated she stated in a hearing she would cover her legal costs.

 10) CONSIDER APPOINTMENT OF MIKE FREEMAN TO HIGH PLAINS LIBRARY DISTRICT NOMINATING COMMITTEE: Commissioner Kirkmeyer moved to approve said appointment. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Conway expressed his appreciation to Commissioner Freeman for his volunteering on the High Plains Library District.



 11) CONSIDER ITEMIZED LIST OF LEGAL HOLIDAYS DURING CALENDAR YEAR 2019: Commissioner Conway moved to approve said itemized list of legal holidays for calendar year 2019. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.


 12) CONSIDER TEMPORARY CLOSURE OF CR 25 BETWEEN CR 52 AND STATE HIGHWAY 60: Ms. Relford presented the temporary closure of County Road 25, effective September 24, 2018, through October 12, 2018, for a culvert replacement. She stated water will be used for dust abatement. Commissioner Cozad moved to approve said temporary closure. The motion, which was seconded by Commissioner Freeman, carried unanimously.

PLANNING:

 1) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY ACCESS PERMIT FOR RECORDED EXEMPTION, RECX18-0075 – ERICA ARNOLD: Dawn Anderson, Department of Public Works, stated the Board approved the two (2) lot Recorded Exemption on August 6, 2018, with the condition that there be only one shared access point. She stated at that hearing the owner was asked if she would agree to one access point to be shared by both lots and she agreed. She reported there are two (2) access points and the access point on Lot A was closed and the remaining access point was to be a shared access located on Lot B. Ms. Anderson briefly summarized the hardship letter, as submitted by the appellant's representative AGPROfessionals, LLC, and presented slides showing the locations of the access approved at the Board's hearing on August 6, 2018. In response to Commissioner Cozad, Michael Hall, Department of Planning Services, confirmed the appellant agreed to a shared access point at the previous hearing. Tim Naylor, representative of AGPROfessionals, LLC, explained the appellant closed the access to the west, and she is now requesting the existing field access be used. He explained the best location for an access is along the property line, but this access would require the other property owner to drive through the appellant's yard. Mr. Naylor

stated there is a reasonable access available on CR 388. Commissioner Conway clarified the appellant voluntarily gave up an access. Commissioner Kirkmeyer confirmed the appellant is requesting an agricultural access and the Department of Public Works does not deny agricultural accesses. Mr. Naylor stated Ms. Arnold applied for a residential access, but would be willing to have an agricultural access. Ms. Anderson stated the denial was for a residential access and she explained the different criteria staff reviews to approve a residential access. Commissioner Cozad stated for safety reasons Public Works will try to limit access on County roads and the applicant agreed to the shared access. Commissioner Kirkmeyer stated there is an existing agricultural access. Ms. Anderson stated many of the agricultural accesses were not documented until recently. Mr. Naylor confirmed they would like to keep the agricultural access and update the plat to show the approved agricultural access. After further discussion, Mr. Naylor requested the appeal be withdrawn. Mr. Barker stated a resolution needs to be done stating the appellant is withdrawing the appeal. Commissioner Kirkmeyer moved to recognize and accept the withdrawn appeal. Seconded by Commissioner Cozad, the motion carried unanimously.

 2) CONSIDER RECORDED EXEMPTION, RECX18-0103 – MICHAEL R. LORDEMANN REVOCABLE TRUST, C/O MICHAEL LORDEMANN, TRUSTEE, AND JULIE LORDEMANN REVOCABLE TRUST, C/O JULIE LORDEMANN, TRUSTEE: Angela Snyder, Department of Planning Services, presented the request for a two (2) lot Recorded Exemption on Lot A and stated there are other options available for the applicants. In response to Commissioner Kirkmeyer, Ms. Snyder stated the two (2) homes are on Lot A, which is approximately 14 acres, and the applicants obtained a zoning permit to build the second home. Mike Lordemann, applicant, and Robbie Miner, representative of applicant, were present. Mr. Lordemann stated he purchased the property with the intention to split the lot and gift the proposed lot to his daughter. He explained the previous landowner had removed the lot line and he thought he could divide the lot, and obtain a water tap permit for the second home. Ms. Snyder explained the timeline of the other Recorded Exemptions. Mr. Miner commented it made more sense to complete the Recorded Exemption, instead of going through the two-lot Planned Unit Development. He stated they need to split the lots, so the applicant can obtain financing and a water tap for the second dwelling. Commissioner Cozad stated a subdivision has been created and there is no additional impact with the two homes on the one (1) lot. Commissioner Cozad stated she agrees with the Recorded Exemption and the applicants have shown evidence of a hardship. Commissioner Freeman concurred with his fellow Commissioners and stated he supports the Recorded Exemption.  Commissioner Cozad moved to approve said Recorded Exemption. The motion was seconded by Commissioner Conway, and it carried unanimously. Commissioner Cozad stated the hardship is that there are two (2) established homes on the lot and there isn't going to be any additional impacts to the County.

 3) FINAL READING OF WELD COUNTY CODE ORDINANCE #2018-03, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION, CHAPTER 8 PUBLIC WORKS, CHAPTER 23 ZONING, AND CHAPTER 24 SUBDIVISIONS (*HISTORIC TOWNSITE*), OF THE WELD COUNTY CODE: Commissioner Kirkmeyer moved to read Code Ordinance #2018-03 by title only. The motion was seconded by Commissioner Conway, and it carried unanimously. Mr. Barker read the title for the record. Tom Parko, Director of the Department of Planning Services, presented the changes to the Code, stating it was discussed that all the individual names of the town sites should not be listed; therefore, the names have been removed, but there are no other changes. No public testimony was offered concerning this matter. Commissioner Kirkmeyer moved to approve Code Ordinance #2018-03 on Final Reading. Seconded by Commissioner Conway, the motion carried unanimously. Commissioner Conway thanked staff for their hard work on this.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2018-03 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 2:39 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 DATE OF APPROVAL
Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad


Mike Freeman

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO SEPTEMBER 19, 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, September 19, 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 17, 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 Freeman seconded the motion, and it carried unanimously.

 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, referred to two (2) recent articles in The Greeley Tribune and expressed his frustration with the way Weld County tax payers' money is being spent. Mr. Gillard questioned the Board's approval of a resolution to reimburse the legal fees of Commissioner Cozad. Bruce Barker, County Attorney, explained the Commissioners decide which expenses are a reimbursable expense. The Commissioners approved the Warrants on March 7, 2018, and clarified the process by approving the Resolution on Monday, September 17, 2018. Mr. Barker stated the decision to reimburse Commissioner Cozad was based on the determination that the legal representation addressed a question which impacts all Home Rule municipalities and Counties, not just her personally.


 Commissioner Conway stated he and Commissioner Cozad attended the recognition of the 10th Anniversary of the creation of the Weld County Adult Treatment Court. He stated since its creation, 97 people have graduated and the cost savings to the County have been substantial. He reported the Adult Treatment Court focuses on family reunification, getting peoples' lives back on track and graduates


mentoring other people struggling with substance abuse issues. Commissioner Cozad expressed she was honored to attend the recognition and recognized not only the cost benefits, but the program saves lives. She stated the Drug Treatment Court has beneficial impacts on families and young children. Chair Moreno recognized former Commissioner Bill Garcia assisting the creation of the Adult Treatment Court and which helps rehabilitate people to become contributing citizens. Commissioner Conway extended his appreciation to Judge Kerns and the continued support from the current Board of Commissioners.


BIDS:

 1) APPROVE BID #B1800135, EXTENSION BUILDING REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, presented the four (4) bids received and stated staff recommends awarding to the low bidder, Classic Contractors, Inc., for the total amount of \$124,990.00. Commissioner Freeman moved to approve said low bid. The motion was seconded by Commissioner Conway, and it carried unanimously.


NEW BUSINESS:


 1) CONSIDER REVISIONS TO POLICIES AND PROCEDURES OPERATIONS MANUAL, SECTION 1.000 GENERAL PROVISIONS, AND SECTION 2.000 FOSTER/KINSHIP: Jamie Ulrich, Deputy Director of the Department of Human Services, presented the revisions to the operations manual clarifying the Department's procedures for facilities and foster homes that provide twenty-four (24) hour out-of-home care. Commissioner Cozad moved to approve said revisions to operations manual. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 2) CONSIDER CONTRACT ID #2038 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – THOMAS AND TASHA TUCKER: Ms. Ulrich reviewed the terms for the agreement. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 3) CONSIDER CONTRACT ID #2039 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – KAREN BRAUNAGEL: Ms. Ulrich presented the details of the agreement. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 4) CONSIDER CONTRACT ID #2055 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – ALICE SHENK: Ms. Ulrich presented the agreement for respite services. Commissioner Cozad moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.


 5) CONSIDER CONTRACT ID #2061 EXPENDITURE AUTHORIZATION FOR VARIOUS WORKFORCE DEVELOPMENT PROGRAMS AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich presented the terms of the Expenditure Authorization for the various Workforce Development Programs; including the dislocated worker, youth, and migrant seasonal farm worker programs. Commissioner Conway moved to approve said expenditure authorization and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.


 6) CONSIDER CONTRACT ID #2062 EXPENDITURE AUTHORIZATION FOR JOBS FOR VETERANS STATE GRANT (JVSG) AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich reviewed the details of the Expenditure Authorization for the jobs for Veterans State Grant to cover overhead and operational costs associated with the State Disabled Veterans Outreach programs. Commissioner Freeman moved

to approve said expenditure authorization and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 7) CONSIDER APPLICATION FOR TEMPORARY ASSEMBLY OF MORE THAN 350 PERSONS FOR A HORSE RACING EVENT ON SEPTEMBER 22, 2018 – NUNN DOWNS, LLC: Bob Choate, Assistant County Attorney, presented the application for the temporary assembly for a horse racing event for approximately 900 people to be held on September 22, 2018. He stated the property owner is Eduardo Salvador Rivera Torrez and the applicant is Alula Afeworki. Mr. Choate displayed a photo of the site which is situated three (3) miles west of the Town of Nunn. Mr. Choate reviewed the background of the application explaining in April, 2018, the property owner, Mr. Torrez, met with the Department of Planning Services for a pre-application meeting for a USR. Instead of applying for a USR, he started the Temporary Assembly application with the Clerk to the Boards Office, and advertised for an event in August, 2018. Since he did not have the permit in time and was not in compliance, he moved the event out of Weld County. He stated the new applicant for the same property was Aula Afeworki. He noted the photo displays grading occurred on the site and the race track is complete. The Department of Public Works stated a grading permit was not obtained. Mr. Choate stated after searching the criminal record of the applicant, Mr. Afeworki has numerous offenses. Mr. Choate then reviewed the requirements from the Department of Public Works, stating there needs to be a Traffic Control Plan, a grading permit, and a plan for dust abatement. He stated the Department of Public Health and Environment has standard recommendations related to a retail food establishment and having adequate bottled drinking water and hand washing and toilet facilities. The Office of Emergency Management requested an Incident Action Plan and a veterinarian on the site. He noted there were multiple surrounding neighbors concerned with increased traffic, dust abatement, animal welfare, and drug and gambling activities.


 Captain Alan Caldwell, Weld County Sheriff's Office, recommended the application not be approved because the applicant has several criminal incidents recorded within Weld County. In response to Chair Moreno, Captain Caldwell explained Mr. Afeworki was cited for two (2) incidents for which he pled guilty and in the past six (6) years he had numerous traffic violations. In response to Commissioner Conway, Capt. Caldwell reported Mr. Afeworki pled guilty to the sale of a controlled substance for which he was cited as the owner, but it was family member who sold the substance in 2012. He reported there is also a sale of alcohol to a minor out of his liquor store in Greeley. Mr. Choate clarified the property owner is aware he needs a grading permit from Public Works, but he completed the site grading without a permit.


 Lisa Weibel, representative of Mr. Afeworki, referred to his criminal background and clarified the incident in 2012 where he was cited for selling a controlled substance. She stated after he was cited for selling alcohol to a minor in 2015, he completed the requirements of the court, including the Training for Intervention Procedures (TIPS) certification. She further explained the applicant was not aware of the need for a grading permit because in April, 2018, it was the owner who was advised a grading permit was necessary. Ms. Weibel stated Mr. Afeworki completed the Temporary Assembly Permit application, since the property owner didn't understand the requirements for the horse racing event. He has been working with the Clerk to the Board to get all requested information. Ms. Weibel explained the previous owner, Jacob Varra, had a USR permit for a horse racing event, which was approved by resolution in July, 2017. In response to Commissioner Conway, Ms. Weibel confirmed Mr. Afeworki has hired security for the event to monitor gambling and ensure there are no drugs brought on to the property, which should minimize the neighbors' concerns. Ms. Weibel stated they have also submitted a contract for veterinary services with Block and Bridle.


 Alula Afeworki, applicant, stated there isn't a liquor license and because of this they don't intend to sell alcohol. He also stated he will have multiple security personnel to check the vehicles to ensure alcohol


is not brought onto the premises In response to Commissioner Cozad, Mr. Afeworki stated he received a ticket for selling to a minor in 2015. Ms. Weibel clarified Mr. Afeworki entered a plea with the City of Greeley, took a TIPS class, and completed a six (6) month probation period. Mr. Afeworki wanted it known that he was charged as the property owner.


 Commissioner Freeman clarified the Special Use Permit is not transferrable. Mr. Choate confirmed a Temporary Assembly Permit is not transferrable and he was not aware of a USR permit or a Temporary Assembly permit that was granted by the Board in 2017. Ms. Weibel stated she has the approved Resolution from 2017, and will send it to the Board. *(Clerk's Note: The referenced USR was later determined to be for a different property.)*


 Rob Claudell, surrounding property owner (SPO), stated he has lived on his property for the past ten (10) years and his house is located directly across from the entrance of the racing track. He stated he has concerns with the noise, dust control, traffic and equine disease. In response to Commissioner Conway, Mr. Claudell stated the entrance could be moved off County Road (CR) 102 and the speakers could be pointed away from his house. In response to Commissioner Cozad, Mr. Claudell stated he spoke with the property owner and was told the property would be a horse training facility.

 Edward Mistler, SPO, stated there is a race track located in the Town of Pierce that they should be able to use. He explained CR 21 is maintained by the neighbors and the neighbors will have to clean up the trash left after the event. He stated he is also concerned with increased response time by emergency personnel. In response to Commissioner Conway, Mr. Mistler stated he would like the entrance closed and the sign removed from CR 21.


 Christina Jensen Varra, adjacent property owner, clarified that Jacob Varra did not apply for a horse racing permit, as he is not in the horse racing business. She stated her biggest concern with the event is the amount of traffic using the County road. Commissioner Freeman confirmed the USR was not on this property, but was for a property east of the Town of Nunn. She stated these types of events put the emergency responders at risk. Ms. Weibel stated she referenced the wrong townships.


 Susan Mistler, SPO, stated she is opposing the application for a horse racing event, which will be located across from her house. She referred to recent articles about similar events and the treatment of the horses. She stated she is concerned that when the traffic increases on CR 2,1 so will the dust pollution which will aggravate her respiratory ailments. In response to Commissioner Conway, Ms. Mistler stated she would like to see the applicant manage the fugitive dust and not have an entrance off CR 21.


 Robin Davis, a neighbor living a mile north of the race track, submitted an Exhibit A, and stated she is concerned with gambling, and doping of horses at the unsanctioned events, and is worried about the horses being treated badly. She further stated there will be increased traffic. Ms. Davis explained CR 21 is a non-County maintained driveway and referred to the photo of a vehicle traveling down the gravel road. She stated these types of events bring the risk of violent crimes and horses being subjected to abuse. In response to Commissioner Conway, Ms. Davis stated she wants this to be a regulated event to protect the horses.


 Darrell Burkhart, adjacent neighbor, read a letter on behalf of his wife, Cynthia Burkhart, which explained her position relating to the horse racing event. Her letter confirmed Eduardo Salvador Rivera Torrez is the contact for the horse racing event and Mr. Afeworki is the recorded agent of Nunn Downs, LLC. She has concerns with the exchange of money during the events, safety, and the increase of


emergency response time. In response to Commissioner Conway, Mr. Burkhart stated the applicant should not host the racing event because of the lack of available services.


 Randy King, adjacent neighbor, stated he has reported previous horse racing events and will continue to notify the media about future events. He stated there are some high-profile horse ranches in this area. He expressed his fear about the spread of the equine infectious anemia, the risk of not having the horses examined by a veterinary, and how fast the disease it will spread. In response to Commissioner Conway, Mr. King stated he is concerned with the drought situation and the increased risk of fire.


 Christy Staa , Eternal Hope Equestrian Center, expressed her opposition to the Temporary Assembly Permit and submitted Exhibit C. She stated the infected horses are brought across state lines without the proper testing. She described how the virus is spread from horse to horse and wants the applicant to have proof that every horse has been tested and a health certification completed every 30 days.


 Lori Eichheim, adjacent neighbor, stated if this is approved it will set a precedent to allow the facility, and others like it, to hold similar events.

 Dianna Varra, adjacent neighbor to the south, discussed the drought conditions of the area and how fast fire can spread even by one cigarette.


 Bernardino Pizarro, stated he is in favor of the event and with his experience of dust control for the oil field, he would be willing to help the applicant with dust abatement and offered the use of his driveway for people to park. He confirmed this is a training facility and explained the horses need to run down the track to be ready for the larger racing events. In response to Commissioner Conway, Mr. Pizarro explained he would be able to use magnesium chloride and water for the dust abatement of 900 vehicles. Commissioner Cozad confirmed the County will use dust control when the ADT is 200 vehicles and pave when there are 400 vehicles.


 Eduardo Salvador Rivera Torrez, property owner for Nunns Downs, LLC, stated there is a lot of fugitive dust when people speed on CR 21. He stated he applied for a USR and was told he needed a grading permit and then was told he needed a Temporary Assembly Permit first. He stated he spoke with someone from Public Works who advised him not to hold the event without getting a Temporary Assembly Permit. He understood he must have a Temporary Assembly Permit before he would be issued a grading permit. He confirmed he told his neighbors he has a training facility and he wants his race track to look nice. In response to Chair Moreno, Mr. Rivera stated he will be applying for a USR permit to hold more horse racing events.


 In response to Commissioner Cozad, Mr. Rivera stated the speakers are to announce the horses. He explained there won't be a band, but there will be some light music between races. He stated he will hire individuals to monitor parking and control the speeding. To keep traffic off CR 21, he said event attendees can drive on his part of the property.

 In response to Commissioner Cozad, Ms. Weibel clarified the actual number of people attending was between 800 and 1,000. She stated of the neighbors that were present, several live outside 500 feet from the property. She explained Mr. Afeworki owns a water truck and will control the dust, as well as, apply magnesium chloride before the event. She confirmed there will be some speakers, but they will not direct them at the housing. Additionally the events will be held beginning at 10:00 a.m. and ending at 6:00


p.m. She stated Mr. Afeworki has hired Fusion Trash Services to control the trash and maintain the facilities and surrounding neighborhood. She stated CR 21 is owned by Mr. Rivera and another neighbor, and he will maintain it and keep it in proper condition, so it can be driven on. Ms. Weibel explained they can't control individuals' behavior once they leave the event; however, the Nunn Fire Department has been notified, and is prepared, so the response time will be quick. Mr. Afeworki is an established business owner and he will have a veterinarian on staff to make sure the horses are healthy and are fit to race.


 Ms. Weibel confirmed a Banner Health ambulance will be on site for any issues that happen during the event and the Nunn Fire Department is aware of the event.

 Commissioner Freeman stated he is not in support of the Temporary Assembly Permit and believes this should go through the Department of Planning Service process to obtain a USR. Commissioner Conway stated the public's health and welfare must be considered and this needs to go through the USR process. He stated there was a health alert announced by the Colorado Department of Agriculture on August 24, 2018 regarding diseased horses. Commissioner Cozad concurred and took seriously the neighbors' concerns. She explained other Temporary Assembly Permits, which have been granted, have been for established USRs, so all the plans and conditions are in place, giving the property owner a chance to work with the community to ensure the neighborhood is safe. She stated it was recommended for denial by the Sheriff's Office, there is a lack of the proper permits, and there is not a good traffic plan. She stated when people behave badly at the event, it is the responsibility of the event holder and this event is not compatible with this area. Chair Moreno stated there isn't a plan for how they can control alcohol or drugs being brought to the event. He believes there are too many unknown factors for this event to take place.

 Commissioner Freeman moved to deny the application granting a Temporary Assembly Permit. The motion which was seconded by Commissioner Conway, carried unanimously. Commissioner Conway thanked the neighbors for taking time from their day and bringing this to the attention of the Board.
(Clerk's Note: The Board recessed at 10:54 a.m. and reconvened at 11:03 a.m.)

PLANNING:

 1) CONSIDER CONDITION OF APPROVAL #1.H OF USE BY SPECIAL REVIEW PERMIT, USR18-0022 – VERDAD RESOURCES, LLC, C/O CURETON FRONT RANGE, LLC: Diana Aungst, Department of Planning Services, stated this is a Condition of Approval for USR18-0022, and is contingent on the Boards' approval of a Landscape and Screening Plan.

 Anne Best Johnson, representative of TetraTech, on behalf of Verdad Resources, LLC, c/o Cureton Front Range, LLC, stated the Board asked the applicant to meet with the twelve (12) surrounding property owners and the property owners that fell in the 500-foot buffer share the site plan, visual model studies and site constraints, and address the lack of water to reach a consensus on the proposed Landscape Plan. She explained their plan includes a two (2) foot berm planted with native grasses and four (4) units were placed inside a facility to mitigate noise. Additionally, surrounding neighbors were given a stipend to landscape their own properties to screen their property from the facility. She confirmed the nine (9) property owners have agreed to enter a landscaping stipend program with Cureton, therefore, Cureton has met the intent of Condition of approval #1.H. No public testimony was offered concerning this matter. In response to Mr. Barker, Ms. Aungst stated a sign was posted on the property notifying neighbors about the hearing.

 Nick Holland, representative of Cureton Front Range, LLC, stated he assumed the Department of Planning Services would send notification to the property owners. In response to Commissioner Conway, Ms. Aungst confirmed the sign was posted in a visible space on the property for ten (10) days. Mr. Holland

stated nine (9) neighbors attended the meeting and an agreement was signed. Mr. Barker stated the testimony that there is an agreement with the names of the surrounding property owners should be sufficient. Commissioner Cozad stated the applicant met the requirements and met with surrounding property owners and Cureton Front Range, LLC addressed the concerns and most of the facility is located inside a building. Commissioner Cozad moved to find that the updated Landscaping/Screening Plan and related elevations is acceptable and satisfies Condition of Approval #1.H. 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 11:14 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 SEPTEMBER 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, September 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 - 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 September 19, 2018, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on September 19, 2018, as follows: 1) USR18-0046 – Enrique and Elisa Guerrero, 2) USR18-0031 – Mariano Gonzalez, 3) USR18-0052 – Outrigger DJ Operating, LLC, and 4) USR18-0023 – Les Matson Construction, Inc., c/o Brian Hartman. Commissioner Conway seconded the motion, which carried unanimously.

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

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


 **PUBLIC INPUT:** Chair Moreno explained and read into evidence his statement for the definition of harassment, as requested by Bill Gillard, resident of Greeley. He stated he called Mr. Gillard to read this statement to him, since he was not at today's hearing.


OLD BUSINESS:


 1) CONSIDER SECOND AMENDMENT TO ORIGINAL LEASE AND TO SUBLEASE AND AUTHORIZE CHAIR TO SIGN – NCMC, INC., AND BANNER HEALTH: Bruce Barker, County Attorney,


presented the second amendment to the original lease confirming that NCMC will vacate the property on or before October 1, 2019. Barb Connolly, Controller, clarified Banner is waiting for the new lease before paying the delinquent amount to the County. Commissioner Kirkmeyer stated Banner needs to pay for the last four (4) months of the lease. Commissioner Freeman moved to approve said Second Amendment to Original Lease and to Sublease and authorize the Chair to sign. The motion was seconded by Commissioner Conway, who clarified the amended lease gives Banner the option to stay until October 1, 2019, but they can leave before then. Commissioner Kirkmeyer stated the County wanted to have the Coroner in the building sooner, but it will now be delayed. After further discussion, the motion carried unanimously.


NEW BUSINESS:


 1) CONSIDER 2018-2019 AREA AGENCY ON AGING OUTREACH SERVICES VENDORS LIST AND RATES: Jamie Ulrich, Deputy Director of the Department of Human Services, presented the details of the 2018-2019 Area Agency on Aging Outreach Services vendors list and rates. Commissioner Conway moved to approve said vendors list and rates. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

 2) CONSIDER 2018-2019 AREA AGENCY ON AGING IN-HOME VOUCHER PROGRAM PARTNER LIST AND RATES: Ms. Ulrich presented the 2018-2019 Area Agency on Aging In-Home Voucher Program Partner list and rates, who provide assistance to eligible older residents. Commissioner Freeman moved to approve said list and rates. The motion was seconded by Commissioner Conway, and it carried unanimously.


 3) CONSIDER TEMPORARY CLOSURE OF CR 3 BETWEEN CR 28 AND STATE HIGHWAY 66: Elizabeth Relford, Department of Public Works, reviewed the terms of the closure beginning October 1, 2018, through October 5, 2018, for a culvert replacement. She stated staff will use standard road signs for traffic control. Commissioner Kirkmeyer moved to approve said temporary closure. The motion was seconded by Commissioner Conway, and it carried unanimously.


 4) CONSIDER TEMPORARY CLOSURE OF CR 3 BETWEEN CR 40.5 AND STATE HIGHWAY 56: Ms. Relford presented the details of the temporary closure beginning October 1, 2018, through October 8, 2018, and stated this was an unexpected closure included on the Colorado Department of Transportation's (CDOT) Bridge Report and explained the repairs had to be completed within 90 days. Commissioner Conway moved to approve said temporary closure. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 5) CONSIDER TEMPORARY CLOSURE OF CR 35 BETWEEN CRS 78 AND 80: Ms. Relford presented the details of the temporary closure beginning October 1, 2018, through October 5, 2018, for the replacement of a 30-inch irrigation culvert. Commissioner Freeman moved to approve said temporary closure. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.


 6) CONSIDER TEMPORARY CLOSURE OF CR 390 BETWEEN STATE HIGHWAY 14 AND CR 105: Ms. Relford requested an extension of the existing closure on CR 390, through November 15, 2018, for the road construction project on CR 105. In response to Commissioner Conway, Ms. Relford stated this needs to be extended due to scheduling conflicts and Forest Service delays. Commissioner Kirkmeyer moved to approve said temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.


PLANNING:


 1) SECOND READING OF WELD COUNTY CODE ORDINANCE #2018-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 26 REGIONAL URBANIZATION AREAS (*PIPELINES*), OF THE WELD COUNTY CODE (*CONT'D FROM 8/29/2018*): Commissioner Kirkmeyer moved to read Code Ordinance #2018-05 by title only. The motion was seconded by Commissioner Conway, and it carried unanimously. Mr. Barker read the title for the record. Tom Parko, Director of the Department of Planning Services, reviewed the changes made after meeting with staff and the stakeholders. He stated under Section 23-2-510, titled "*Application Requirements*," they moved the section pertaining to the soils report from "*Mapping Requirements*" for better clarification. He stated, as suggested from public input, they made changes to the section pertaining to irrigation ditches, laterals and canals. He also detailed the other changes made to the Code to remove redundant language and make processes more consistent. He confirmed the Department of Public Works is available to answer questions related to the LAP process and Chapter 12. In response to Commissioner Kirkmeyer, Mr. Parko clarified the paragraph for the Emergency Action Plan, was moved under paragraph H, so it was moved from "*Application Requirements*" to "*Statements*."

 In response to Commissioner Kirkmeyer, Mr. Parko stated the intent is to make sure the Department of Public Works receives the necessary information for depths and planned profiles for the other pipelines.


 Commissioner Freeman clarified when the Department of Public Works would determine the depths on an individual basis.


 Ms. Relford stated there were not specific depth requirements in the USR and staff did not want to put applicants through another process. She stated staff would like depths of County road crossings to be greater than ten (10) feet and remain consistent with the USR permit requirements. Mr. Parko stated the plan profile and depths will be covered as part of the Right-of-Way Permit because the LAP permit only covers certain pipelines, but the Public Works' process reviews all pipeline sizes. Commissioner Kirkmeyer expressed her concern with the process taking six (6) months or longer, which could delay projects; therefore, she suggested adding a reference to Chapter 12 about the depth issues. In response to Commissioner Kirkmeyer, Ms. Relford stated the revisions for Chapter 12 will be completed by February 1, 2019, and Mr. Barker stated there are other changes they would like to present to the Board.


 Ryan Seastrom, Colorado Oil and Gas Association (COGA) representative, extended his appreciation for the Commissioners stating their opposition of Proposition 112. Mr. Seastrom addressed the items of concern, specifically, use of rights-of-way and the submission of a LAP application for which there is secured right-of-way agreements or easements. He stated the proposed flowline mapping requirements do not indicate if it applies to on-location or off-location flowlines. Lastly, he requested a timeline be implemented for preliminary approval by the Department of Planning Services. In response to Commissioner Kirkmeyer, Mr. Seastrom stated he is not familiar with the USR process. Commissioner Kirkmeyer commented the entire premise of the LAP process is to streamline the current USR process into an expedited administrative process, therefore, she requested COGA submit comments summarizing how their suggestions differ from the current USR process.


 Kim Cook, representative for Kerr-McGee Gathering, thanked the Board for their support of the industry and stated she did an analysis of the USR and LAP permit processes, so she will send her findings to Mr. Parko for review. She explained they have twelve (12) projects which would need to go through the LAP process and 90% of the right-of-way (ROW) has been acquired. She stated she would like the Board to adopt the draft from COGA Section 23-2-1110.K which states any ROW that was obtained before October 10, 2018, be allowed to continue with projects which will fall under the LAP process. Ms. Relford clarified she understands the industry has secured ROW adjacent to the County ROW and their pipeline may not meet the criteria in the future ROW section and would like those


grandfathered in. Mr. Barker stated the proposed effective date is February 1, 2019, and anything permitted after the effective date could be a problem. Commissioner Freeman clarified after October 1, 2018, they won't acquire any ROW that is within future ROW. Mr. Barker stated the proposed language by the industry will benefit the County.


 Patrick Groom, representative of DCP Operating Company, LP, referenced Section 23-2-1110.I and suggested the determination of whether to enter into a Public Improvements Agreement needs to be made early in the process by Public Works, because it will add a 30 to 60 day process requirement. He requested clarification about how the LAP process will be handled internally to ensure recording the mylar will not be delayed. Ms. Relford confirmed the more information received at the beginning of the application, the faster and more efficiently it can be processed. In response to Mr. Groom, Mr. Parko agreed with gathering all the information before items go to recording.


 Doug Dennison, HighPoint Resources representative, stated the requirement for the ROW use permit is in paragraph G but the language is not consistent for Domestic Water Lines and he requested there be clarification. Mr. Barker stated the language on page 3 under Section 23-2-440.H is better language for the Code.


 Dennis Hoshiko, resident of Greeley, thanked the Commissioners and staff for developing the Code but he feels there needs to be clarification of what "Use by Right" legally means and shared what "Use by Right" means to him. He stated landowners encounter issues with non-Use by Right pipelines, because landowners don't benefit from these pipelines. He stated the easements for non-Use by Right pipelines can be 100 feet in width and this puts a burden on the current use or future development of the lands they pass through. He described the dangers of natural pipelines and stated the operators should be required to record the locations of the pipelines and mark them with aboveground signage to prevent any disasters from happening. He went on to explain that the bore tunnels for the pipelines are too shallow and then the bottom of the ditches blow out, which is detrimental to farmlands.

 In response to Commissioner Conway, Mr. Hoshiko stated he did not participate in the newly enacted 8-1-1 law. He stated the law is to establish civil penalties, if an individual doesn't use the 8-1-1 system before digging. Mr. Hoshiko explained the 8-1-1 system requires a precise location to mark the utilities crossing under an irrigation ditch which is impractical. Commissioner Kirkmeyer clarified Agricultural activities are exempt from using the 8-1-1 system. Ms. Relford clarified a Right-of-Way Permit is required for all pipelines and any boring, as well as an inspection for potential issues. She stated Public Works will require more information for a Right-of-Way Permit application.

 In response to Commissioner Kirkmeyer, Mr. Barker stated there is law which states as long as there is no interference with a ditch easement or ditch ROW, then there is no need for a permit. Mr. Hoshiko stated there are instances where bore tunnels and pipelines are too shallow. He stated there are documented events where the ditch easements were affected and this is why there is a need for better notification of the location of pipelines. There being no further comments, Chair Moreno closed public testimony.

 Following discussion with Mr. Barker, Commissioner Kirkmeyer suggested to make the language on page 10, paragraph G consistent with the language on page 3, paragraph H and include the other permits. Commissioner Kirkmeyer moved to amend Code Ordinance #2018-05 as stated above. Seconded by Commissioner Freeman, the motion carried unanimously. She proposed a second modification in Section 23-2-1110.K. Mr. Barker stated the first sentence should be modified to add, "Beginning October 1, 2018, all easements obtained for a PIPELINE. . ." and remove, "at the time an

applicant submits a LAP application” and after the words “erroneously located within an” insert, “. . . easement obtained on or after October 1, 2018, and within an. . .” Commissioner Kirkmeyer moved to amend page 10, paragraph K as proposed by Mr. Barker above. Seconded by Commissioner Conway, the motion carried unanimously.  Lastly, Commissioner Kirkmeyer referenced page 16, Section 23-2-1150.G, to include the language with regard to easement agreements, memoranda of easements or option agreements. Mr. Barker confirmed the language for the Code. Commissioner Kirkmeyer moved to amend the Ordinance as stated above, and the motion which was seconded by Commissioner Freeman, carried unanimously.

 Commissioner Kirkmeyer moved to approve Code Ordinance #2018-05 as amended on Second Reading, and it was seconded by Commissioner Conway. Commissioner Kirkmeyer stated Mr. Hoshiko has legitimate concerns with the impacts of pipelines on agriculture and the goal of the County is to change a USR process and make it an administrative process, so to add produced water lines at this point in the ordinance process would complicate the matter. Commissioner Freeman stated he agrees with the Code changes and believes they have met the intent to have a USR process move to an administrative process. Commissioner Conway stated he concurs with the other comments and appreciates the industry for their input on the process. Chair Moreno stated it is important to receive input and representation from the industry. There being no further discussion, the motion carried unanimously.

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

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 10:42 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 SEPTEMBER 26, 2018


The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, September 26, 2018, at the hour of 9:00 a.m.

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


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


Also present:

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


 **MINUTES:** Commissioner Conway moved to approve the minutes of the Board of County Commissioners meeting of September 24, 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 #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 will bring back a recommendation on October 10, 2018.


NEW BUSINESS:

 1) CONSIDER CONTRACT ID #2085 AGREEMENT FOR COMMUNICATIONS TOWER AND SITE LEASE AND AUTHORIZE CHAIR TO SIGN – DMR NETWORKS, INC: Mike Wallace, Director of the Department of Public Safety Communications, reviewed the terms of the agreement for a communication tower and site lease license to utilize the Timnath Tower at County Road 15 and State

Highway 14. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

 2) CONSIDER CONTRACT ID #2087 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT: Mr. Wallace presented the terms of the amendment to the agreement with Front Range Fire Resuce Fire Protection District for wireless radio services and annual maintenance. Commissioner Cozad moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 3) CONSIDER CHANGE ORDER #1 FOR JAIL 2 WEST EXPANSION (BID #B1800059) AND AUTHORIZE CHAIR TO SIGN – ROCHE CONSTRUCTORS, INC: Toby Taylor, Director of the Department of Buildings and Grounds, presented a change order request for the design-build project for the new wing of the jail and for the purchase of pre-fabricated modular inmate cells for the total amount of \$5,544,973.93. In response to Commissioner Freeman, Mr. Taylor confirmed the cost for the pods is close to the budget amount. Commissioner Freeman moved to approve said change order and authorize the Chair to sign. The motion was seconded by Commissioner Cozad, and it carried unanimously.


 4) CONSIDER APPOINTMENT TO BOARD OF ADJUSTMENT: Commissioner Freeman moved to approve said appointment. The motion was seconded by Commissioner Conway, and it carried unanimously.

 5) CONSIDER APPOINTMENT TO PLANNING COMMISSION: Commissioner Kirkmeyer moved to approve said appointment. Seconded by Commissioner Cozad, the motion carried unanimously.



(Clerk's Note: Per Chair prerogative item #1 was moved to allow the applicant to be present.)

PLANNING:

 2) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY ACCESS PERMIT FOR RECORDED EXEMPTION, RECX12-0010 – RICHARD AND SARA WILLIAMS: Dawn Anderson, Department of Public Works, reviewed the appeal for the denial of an access permit. She stated the property is located along County Road (CR) 54; also known as Freedom Parkway, and is west of State Highway 257. The access permit application is associated with a four (4) lot Recorded Exemption, RECX12-0010, and the appellant's property is Lot C. She explained there is to be a 30-foot utility easement, which would be shared by lots A, B and C. Ms. Anderson stated Lot D has an existing access point which does not meet the spacing criteria. She stated Public Works received a letter explaining when the appellants' purchased the property the existing access had a gate and they were never informed of the shared easement, and would undergo a financial hardship to construct a new road that would meet the criteria for an emergency access point. Ms. Anderson reported as part of the Freedom Parkway Access Control Plan, the proposed access point is to be closed, so the Williams' reached out to Public Works staff with their concerns. She commented that if approved today, Public Works would request include Access Permit, AP18-00461, in the resolution language. She reported the ADT on CR 54 is 5,552 vehicles per day with 26% trucks. Ms. Anderson stated staff believes the location could be a safe access. In response to Commissioner Freeman, Ms. Anderson clarified the access point, across the street is existing, but is to be addressed when there is a land use application.

 Richard and Sara Williams, appellants, introduced themselves and Mr. Williams stated they bought the property and were told the existing gate had been there since the 1950's. He said when they built their home, they were not aware they needed an access permit. Ms. Williams explained if they have to

build a road from the access that is approved, it would be over 1,100 feet and after meeting with the Fire Marshall, they were told they would need a fire suppression system installed because of the distance the fire department would need to enter through two (2) gates. She stated the cost of these upgrades are astronomical and would create a financial hardship for them. Commissioner Kirkmeyer stated she doesn't agree with the recommendations made by the fire protection district and stated the appellants should have read the plat. Commissioner Kirkmeyer moved to grant the appeal and approve the existing access point, which was seconded by Commissioner Freeman. Commissioner Cozad thanked staff for presenting the appeal but said in this instance, common sense prevails and she supports the motion. Bruce Barker, County Attorney, directed staff to make sure the plat is corrected. There being no further discussion, the motion carried unanimously.

 1) CONSIDER PARTIAL VACATION OF USE BY SPECIAL REVIEW PERMIT, USR15-0076 – THE COLORADO STATE BOARD OF LAND COMMISSIONERS, COMMUNITY ENERGY SOLAR DEVELOPMENT, LLC, DBA PLATTEVILLE SOLAR CSG, LLC: Michael Hall, Department of Planning Services, reviewed the partial vacation of USR15-0076, for a small scale solar facility which will satisfy Condition of Approval #1.B of USR18-0041, approved on September 5, 2018. He displayed photos of the parcel and briefly presented the location of the parcel.  Tyson Taylor, representative of Community Energy Solar Development, LLC, stated the Colorado State Board of Land Commissioners didn't realize the USR covered the entire parcel and was available to answer any questions concerning their project. Commissioner Cozad moved to approve said partial vacation. The motion was seconded by Commissioner Conway, and it carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:28 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

EXCUSED DATE OF APPROVAL
Barbara Kirkmeyer, Pro-Tem

Sean P. Conway

Julie A. Cozad

Mike Freeman