


# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 1, 2019


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, April 1, 2019, 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 Barbara Kirkmeyer, Chair  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James - EXCUSED  
Commissioner Steve Moreno


Also present:

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


 **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of March 27, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on March 27, 2019, as follows: 1) USR18-0105 – Hunt Water, LLC, and 2) USR18-0077 – Cheyenne Connector, LLC. Commissioner Conway seconded the motion, which carried unanimously.


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


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

#### PROCLAMATIONS:


 1) CHILD ABUSE PREVENTION MONTH – APRIL 2019: Chair Kirkmeyer read the certificate proclaiming April, 2019, as Child Abuse Prevention Month and encouraged all citizens to dedicate themselves to protecting children and connecting with families within their communities to ensure they are strong and thriving. Jamie Ulrich, Deputy Director of the Department of Human Services, introduced several staff members and community agencies who are instrumental in preventing child abuse. Julie Witkowski, Department of Human Services, reviewed various events planned to bring more


awareness to the citizens of Weld County. Each Commissioner, in turn, thanked staff for bringing awareness to the citizens for the prevention of child abuse. Chair Kirkmeyer stated she is proud of the work performed by Department of Human Services. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 2) NATIONAL SERVICE RECOGNITION DAY – APRIL 2, 2019: Chair Kirkmeyer read the certificate for the record proclaiming April 2, 2019, as National Service Recognition Day. She announced AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country. Hannah Hostak, representative of the United Way of Weld County, stated AmeriCorps Vista is a national service program designed to alleviate poverty throughout the United States and shared statistics about the volunteers. Haley Shipley, representative of United Way of Weld County, stated she supports the seventeen (17) Vista members in Weld County. Each Commissioner, in turn, thanked them for bringing public awareness to the Vista program and the non-profit organizations who are helping to make a difference. Commissioner Freeman thanked them for their hard work and expressed his appreciation for the various important programs available to the community. Chair Kirkmeyer thanked Commissioner Freeman for his work with the United Way of Weld County. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


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

#### **BIDS:**


 1) APPROVE BID #B1900068, CENTENNIAL CENTER CORE DRILLING – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, reviewed the two (2) bids received and stated staff recommends awarding to the low bidder, Kilgore Construction, for \$6,260.00. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 2) PRESENT BID #B1900061, LAW ENFORCEMENT BODY WORN CAMERA SYSTEM – SHERIFF'S OFFICE: Mr. Turf reviewed the eight (8) bids received and stated staff will bring back a recommendation after an evaluation has occurred and are ready to make a recommendation.


 3) PRESENT BID #B1900066, DESIGN SERVICES – SECURITY ACCESS PROJECT (CENTENNIAL CENTER) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on April 15, 2019.


 4) PRESENT BID #B1900067, CARPET CLEANING (NORTH BUSINESS PARK) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the five (5) bids received and stated staff will bring back a recommendation on April 15, 2019.


 5) PRESENT BID #B1900072, HUMAN SERVICES WAYFINDING SIGNAGE ANALYSIS AND DESIGN – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on April 15, 2019.


 6) PRESENT BID #B1900064, FENCING REMOVAL AND CONSTRUCTION SERVICES – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on April 15, 2019.


## NEW BUSINESS:


 1) CONSIDER STATE YOUTH COUNCIL (SYC) INNOVATION GRANT APPLICATION AND AUTHORIZE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Ulrich presented the terms of the grant application to allow Weld County Employment Services to develop a program which will support former foster care youth in Colorado, and help them become self-sufficient adults. Commissioner Moreno moved to approve said application and authorize the Director of the Department of Human Services to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 2) CONSIDER STANDARD FORM FOR MUNICIPAL JAIL SERVICES AGREEMENT BETWEEN THE WELD COUNTY SHERIFF'S OFFICE AND VARIOUS MUNICIPALITIES AND AUTHORIZE CHAIR TO SIGN AGREEMENTS CONSISTENT WITH SAID FORM: Sam Kaneta, Sheriff's Office, presented the details of the form between Weld County and various municipalities to allow the Sheriff's Office to house their municipal offenders at the County jail. In response to Chair Kirkmeyer, Deputy Kaneta noted the updated rates for this year. Commissioner Freeman moved to approve said form and authorize the Chair to sign agreements consistent with said form. The motion, which was seconded by Commissioner Moreno, carried unanimously.

 3) CONSIDER CHANGE ORDER #3 FOR PROXIMITY DOOR SYSTEM UPGRADE (BID #B1700146) AND AUTHORIZE CHAIR TO SIGN – LONG BUILDING TECHNOLOGIES, INC.: Toby Taylor, Director of Buildings and Grounds, presented the details of Change Order #3 for the door system upgrade. He stated after the completion of the 2019 budget, additional doors were added to the project for the total amount of \$61,500.00. In response to Commissioner Conway, Mr. Taylor confirmed the additional doors were not included in the original contract. Commissioner Freeman moved to approve said Change Order #3 and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 4) CONSIDER TEMPORARY CLOSURE OF EAST 16TH STREET BETWEEN BALSAM AVENUE AND CEDAR AVENUE: Amy Mutchie, Department of Public Works, presented the closure beginning April 9, 2019, through April 26, 2019, to upgrade and replace four (4) irrigation culverts. She stated staff will also repave the roadway. Commissioner Moreno moved to approve said closure. Seconded by Commissioner Freeman, the motion carried unanimously.


 5) CONSIDER TEMPORARY CLOSURE OF CR 49 BETWEEN STATE HIGHWAY 392 AND CR 70: Ms. Mutchie presented the closure beginning April 16, 2019, through April 19, 2019, to replace a drainage culvert. She stated water will be used for dust abatement along the one (1) mile gravel roadway. Commissioner Conway moved to approve said temporary closure. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 6) CONSIDER TEMPORARY CLOSURE OF CR 70 BETWEEN CRS 49 AND 51: Ms. Mutchie presented the previously approved closure and stated staff requests it be rescheduled beginning April 9, 2019, through April 12, 2019, to replace an irrigation culvert. It was delayed due to adverse weather conditions. She explained staff will use water for dust abatement, as necessary. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Conway, and it carried unanimously.


 7) CONSIDER AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – MAXIMUS CONSULTING SERVICES, INC.: Barbara Connolly, Controller, reviewed the annual agreement to allow Maximus Consulting Services, Inc., to work with the Departments of Human Services and Public Health

and Environment for reimbursement. In response to Commissioner Conway, Ms. Connolly confirmed the cost has been the same for the last twenty (20) years. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.

 8) CONSIDER REAPPOINTMENTS TO BUILDING TRADES ADVISORY COMMITTEE: Commissioner Freeman moved to approve said reappointments. Seconded by Commissioner Conway, the motion carried unanimously.

 9) CONSIDER APPOINTMENT TO WELD FAITH PARTNERSHIP COUNCIL: Commissioner Moreno moved to approve said appointment. The motion was seconded by Commissioner Conway, and it carried unanimously.

**PLANNING:**

 1) CONSIDER VACATION OF USE BY SPECIAL REVIEW PERMIT, USR16-0013 – RUSSELL BAKER AND GEORGIA GILMORE: Angela Snyder, Department of Planning Services, stated this request will satisfy a condition of approval for the new USR18-0064. She stated they are removing the USR that allowed the applicants to operate a gates and fences manufacturing business. She explained the new USR permit is for a commercial trucking facility. No public input was offered concerning this matter. Commissioner Freeman moved to approve said vacation of Use by Special Review Permit, USR16-0013, to satisfy a Condition of Approval for USR18-0064. The motion was seconded by Commissioner Moreno, 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 9:33 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

\_\_\_\_\_  
Barbara Kirkmeyer, Chair

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

\_\_\_\_\_  
Mike Freeman, Pro-Tem

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

EXCUSED  
\_\_\_\_\_  
Scott K. James


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Steve Moreno

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 3, 2019


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, April 3, 2019, 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 Barbara Kirkmeyer, Chair  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James - EXCUSED  
Commissioner Steve Moreno

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 April 1, 2019, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

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


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


#### PROCLAMATIONS:

 1) DAY OF THE YOUNG CHILD – APRIL 13, 2019: Chair Kirkmeyer read the certificate for the record proclaiming April 13, 2019, as Day of the Young Child. Sheri Hannah Ruh, Director of Promises for Children and United Way of Weld County representatives introduced themselves. Ms. Ruh explained it is the 38th year of hosting the Children's Festival and expressed her appreciation to the Board for their support of the event. She stated the theme for this year's festival is "Grow your Future." Each Commissioner, in turn thanked the representatives from United Way of Weld County to improve the lives of children in local community. Those present stated they appreciate the partnership with the Board to be able to support children and their families of Weld County. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 2) NATIONAL LIBRARY WEEK – APRIL 7-13, 2019: Chair Kirkmeyer read the certificate for the record, recognizing the nation's libraries which support free and open access to literacy programs, books,


computers, and other resources to help children and adults learn to find, evaluate, and use information they need for jobs, health, housing, education and other needs. Matthew Horft, thanked the Board for recognizing National Library Week. Each Commissioner, in turn, stated they are proud of having the best library District in the United States and believe libraries are important to the citizens of Weld County. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 **PUBLIC INPUT:** Paula Johnson, resident of Eaton, inquired about private property rights, in regard to the Cheyenne Connector project. She stated she would like the Board to consider adding to the Code a way to protect private property rights. She pleaded for protection of private property owners from private for-profit companies and submitted a letter which is included as Exhibit "A". Chair Kirkmeyer explained in the Code, under Chapter 22 is the Comprehensive Plan, there are guiding principles regarding private property rights. Ms. Johnson stated the Cheyenne Connector Pipeline started the condemnation process immediately so there can't be a fair market established. Commissioner Conway thanked Ms. Johnson for presenting the matter and reiterated the Board is in support of private property rights. He encouraged Ms. Johnson to present her concerns to the Legislators as well.

 Bill Gillard, resident of Greeley, thanked the Board for the correction to the budget and stated he will meet with Bruce Barker, County Attorney for further clarification on the Public Input definition. He inquired when the work session concerning the videotaping will be rescheduled. Chair Kirkmeyer stated staff will email Mr. Gillard's with the rescheduled work session time. Mr. Gillard stated he would like to get started on it and respect the Commissioners' schedules. Commissioner Freeman stated the Board reschedules work sessions all the time, due to scheduling conflicts.

#### **NEW BUSINESS:**

 1) CONSIDER FOUR-YEAR PLAN FOR AREA AGENCY ON AGING (TITLE III AND VII) FOR FEDERAL FISCAL YEARS 2020-2023 AND AUTHORIZE CHAIR TO SIGN: Lennie Bottorff, Department of Human Services, presented the Plan for years 2020-2023. Commissioner Conway thanked the Department of Human Services staff for outlining the goals for the next four years in their comprehensive plan. He expressed his appreciation for the work session, stating it was very helpful. Commissioner Conway moved to approve said plan and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 2) CONSIDER SETTLEMENT AGREEMENT AND MUTUAL RELEASE AND AUTHORIZE CHAIR TO SIGN – FARMERS RESERVOIR AND IRRIGATION COMPANY (FRICO), INTERSTATE HIGHWAY CONSTRUCTION, INC. (IHC), AND FELSBURG, HOLT AND ULLEVIG (FHU): Bruce Barker, County Attorney, reviewed the settlement agreement regarding three (3) ditch crossings. Mr. Barker stated Farmers Reservoir and Irrigation Company (FRICO) suggested there were items that need to be completed, so Intestate Highway Construction, Inc. (IHC) and Felsburg, Holt and Ullevig (FHU) worked with FRICO and completed the additional work. He explained IHC made a payment to FRICO for \$175,000.00. He stated Weld County will submit a complete release for all the entities with the exception of a drainage structure which is on the south side of the intersection of CRs 49 and 50. Mr. Barker stated Don Dunker, and Cameron Parrott, Department of Public Works, have come up with a simple solution to fix this issue. In response to Commissioner Conway, Mr. Barker stated there is a drainage area located on the east side of CR 49 where water would at times go over the road; however, all the water is now going into the Gilmore Ditch and so Public Works' fix will help the solution. Chair Kirkmeyer clarified the water was draining into a natural drainage area, and the County has the same right to the natural drainage area as FRICO. Commissioner Moreno moved to approve said settlement agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously. Chair Kirkmeyer thanked Mr. Barker for his work on this settlement agreement.

**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 9:40 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

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Barbara Kirkmeyer, Chair

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Mike Freeman, Pro-Tem

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Sean P. Conway

\_\_\_\_\_  
EXCUSED  
Scott K. James

\_\_\_\_\_  
Steve Moreno




# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 8, 2019


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, April 8, 2019, 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 Barbara Kirkmeyer, Chair  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James  
Commissioner Steve Moreno

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 April 3, 2019, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.


 **READ ORDINANCE BY AUDIO:** Commissioner Freeman moved to read Code Ordinance #2019-04 by audio. The motion was seconded by Commissioner James and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Moreno moved to approve the Certification of Hearings conducted on April 3, 2019, as follows: 1) USR18-0117 – Little Calf Ranch, LLC, 2) USR18-0113 – Christopher and Michelle Swanson, and 3) USR19-0119 – Michael and Mary Krier, c/o Expedition Water Solutions Colorado, LLC. Commissioner Conway seconded the motion, which carried unanimously.

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

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


#### PROCLAMATIONS:


 1) NATIONAL CRIME VICTIMS' RIGHTS WEEK – APRIL 7-13, 2019: Chair Kirkmeyer read the proclamation for the record, commemorating the week of April 7-13, 2019, to advance the cause of the victims' rights movement. Michael Rourke, District Attorney, thanked the Board for the proclamation. He




recognized the agencies and the individuals who work collaboratively with Weld County's District Attorney's Office and the Sheriff's Office to assist victims of crimes and give individuals a voice. Steve Reams, Sheriff, stated the individuals who were introduced are the true heroes and he thanked them for helping those affected by crime. Each Commissioner, in turn, thanked the agencies for fighting for justice for Weld County residents. *(Clerk's Note: The meeting was paused for a photo opportunity.)*


#### **PRESENTATIONS:**

 1) RECOGNITION OF SERVICES, SHERIFF'S OFFICE – WARREN SITZMAN: Chair Kirkmeyer read the certificate for the record recognizing Mr. Sitzman for his dedicated service to the Weld County Sheriff's Office. Sheriff Reams thanked Mr. Sitzman for his hard work and presented him with a plaque and pin. Mr. Sitzman expressed his appreciation to the employees at the Sheriff's Office, who he had the opportunity to work with. Each Commissioner, in turn, thanked Mr. Sitzman for representing the Weld County Sheriff's Office for thirty-one years and for all he has done for the citizens of Weld County. They congratulated Mr. Sitzman on his retirement and wished him well. *(Clerk's Note: The Board paused for a photo opportunity.)*


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


#### **BIDS:**


 1) APPROVE BID #B1900075, HAZARDOUS MATERIALS TRANSPORTATION AND RESPONSE PLAN – OFFICE OF EMERGENCY MANAGEMENT: Rob Turf, Department of Purchasing, reviewed the two (2) bids received and stated staff recommends awarding to the low bidder, Steve Hedrick. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.


 2) APPROVE SOLE SOURCE PURCHASE FOR DUST PALLIATIVE – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the sole source purchase and explained EnviroTech Services, Inc., holds an active patent on the two (2) additional products; therefore, staff recommends purchasing the patented products from, EnviroTech Services, Inc., for the amount of \$644,000.00. Commissioner Conway moved to approve said sole source purchase. Seconded by Commissioner Freeman, the motion carried unanimously.


#### **NEW BUSINESS:**


 1) CONSIDER PERMIT APPLICATION AND REPORT OF CHANGES TO CHANGE, ALTER OR MODIFY LIQUOR LICENSED PREMISES AND AUTHORIZE CHAIR TO SIGN – TAPPIST MUNKS, LLC, DBA OUTWORLD BREWING: Bob Choate, Assistant County Attorney, presented the details of the application. He explained the applicant made a substantial change to the establishment so the State Liquor Licensing requested a Report of Changes. He noted there are no concerns from any of the referral agencies. Commissioner Freeman moved to approve said application and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 2) CONSIDER LICENSE AGREEMENT FOR USE OF PLAZA AREA (822 7TH STREET) AND AUTHORIZE CHAIR TO SIGN – GREELEY FIESTA, INC.: Bruce Barker, County Attorney, reviewed the terms of the license agreement for the use of the downtown plaza area on May 5, 2019. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously. *(Clerk's Note: Subsequently, after the hearing, the effective date of the Agreement was corrected to May 4, 2019.)*


 3) CONSIDER TEMPORARY CLOSURE OF CR 13 BETWEEN CR 34 AND STATE HIGHWAY 66: Amy Mutchie, Department of Public Works, presented the closure beginning April 9, 2019, through May 3, 2019, on behalf of Public Service Company to relocate two (2) natural gas pipelines, in advance of the County Roads 13 and 34 Intersection Improvement Project. Commissioner James moved to approve said closure. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 4) CONSIDER APPOINTMENTS TO AREA AGENCY ON AGING ADVISORY BOARD: Commissioner Moreno moved to approve said appointments. Seconded by Commissioner Conway, the motion carried unanimously.

 5) CONSIDER APPOINTMENTS TO CHILD PROTECTION CITIZEN REVIEW BOARD: Commissioner Freeman moved to approve said appointments. The motion was seconded by Commissioner James, and it carried unanimously.


 6) CONSIDER APPOINTMENT TO JUVENILE COMMUNITY REVIEW BOARD: Commissioner Conway moved to approve said appointment. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 7) FINAL READING OF WELD COUNTY ORDINANCE #2019-01, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 1 GENERAL PROVISIONS AND CHAPTER 2 ADMINISTRATION, OF THE WELD COUNTY CODE (*COUNTY SEAL/LOGO*): Commissioner Moreno moved to read Code Ordinance #2019-01 by title only. The motion was seconded by Commissioner Freeman, and it carried unanimously. Mr. Barker read the title for the record and stated no changes were made since Second Reading. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2019-01 on Final Reading. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 8) SECOND READING OF WELD COUNTY ORDINANCE #2019-03, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 5 REVENUE AND FINANCE AND CHAPTER 12 LICENSES AND PERMITS, OF THE WELD COUNTY CODE (*TEMPORARY ASSEMBLY PERMITS*): Commissioner Freeman moved to read Code Ordinance #2019-03 by title only. The motion was seconded by Commissioner Moreno, and it carried unanimously. Mr. Barker read the title for the record. In response to Commissioner Conway, Mr. Barker explained there are restrictions in the Development Standards regarding the amount of people and an applicant wants to allow additional people at their event, they will need an amend their USR. Tom Parko, Director of the Department of Planning Services, confirmed he has a meeting scheduled with the County Attorney and Clerk to the Board, to contact people who have had a Temporary Assembly permit in the past. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve Code Ordinance #2019-03 on Second Reading. Seconded by Commissioner James, the motion carried unanimously.

 9) FIRST READING OF WELD COUNTY ORDINANCE #2019-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 12 LICENSES AND PERMITS, OF THE WELD COUNTY CODE (*LIQUOR LICENSES*): Mr. Barker stated the proposed changes to the Code will make them consistent with the State Liquor Code pertaining with the Liquor permits. He noted the changes also clarify the language pertaining to Optional Premises license. No public testimony was offered concerning this matter. In response to Commissioner Conway, Mr. Barker confirmed the changes made will be consistent with the new State laws and the Optional Premises license type was added to the Code. The motion to approve on First Reading of Code Ordinance #2019-0, which was made by Commissioner Moreno and seconded by Commissioner Freeman, carried unanimously.

**PLANNING:**

 1) CONSIDER VACATION OF USE BY SPECIAL REVIEW PERMIT, USR-1388 – ROBERT AND JANET WILEY: Maxwell Nader, Department of Planning Services, presented the request for a complete vacation. He stated the Department of Planning Services administratively approved a two-lot Recorded Exemption, RECX18-0168, on Lot B, and as part of the Conditions of Approval of the Recorded Exemption, the applicant has to vacate USR-1388 for a commercial trucking business prior to recording the plat. Commissioner Freeman moved to approve said vacation of USR-1388. Seconded by Commissioner Conway, the motion carried unanimously.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2019-01 was approved on Final Reading, Code Ordinance #2019-03 was approved on Second Reading, and Code Ordinance #2019-04 was approved on First Reading.

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

There being no further business, this meeting was adjourned at 9:40 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

\_\_\_\_\_  
Barbara Kirkmeyer, Chair

\_\_\_\_\_  
Mike Freeman, Pro-Tem

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

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

\_\_\_\_\_  
Scott K. James


\_\_\_\_\_  
Steve Moreno

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 10, 2019


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, April 10, 2019, 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 Barbara Kirkmeyer, Chair  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James  
Commissioner Steve Moreno


Also present:

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

 **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of April 8, 2019, as printed. Commissioner James seconded the motion, and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on April 8, 2019, as follows: 1) USR18-0102 – English Feedlot 2, LLC, c/o Renewtrient II, LLC. Commissioner Freeman seconded the motion, which carried unanimously.

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


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


#### PRESENTATIONS:


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


 1) MEDAL OF VALOR AWARD, SHERIFF'S OFFICE – BRANDON STUPKA: Sheriff Reams presented Deputy Stupka with the Medal of Valor and Purple Heart Medal Awards for protecting a family during an incident which occurred in August, 2018.


2) PURPLE HEART MEDAL AWARD, SHERIFF'S OFFICE – BRANDON STUPKA: (See item #1 above)


 3) DISTINGUISHED SERVICE MEDAL AWARDS, SHERIFF'S OFFICE – DANIEL CHAPMAN, LEON DE LA FUENTE, HOLCOMB NICHOLSON, AND MATT ROSTEN: Sheriff Reams recognized Deputy Nicholson for his quick actions during a traffic stop that quickly escalated to a shoot-out while maintaining a calm demeanor and rendering medical aid. (See also item #6 below.)

 4) CERTIFICATE OF RIBBON OF MERIT AWARD, SHERIFF'S OFFICE – CODY METCALFE: Sheriff Reams presented Deputy Metcalfe with the Ribbon of Merit Award for his role in shaping the Emergency Practical Team and serving as a team leader by developing a curriculum to train new employees beyond his normal role as a detention deputy at the jail.


 5) LIFE SAVING AWARDS, SHERIFF'S OFFICE – TRAVIS PECK AND JASON PIACENZA: Sheriff Reams presented Deputy Peck with the Life Saving Award for his quick actions to save an individual's life while assisting the Firestone Police Department on a drug overdose call. Sheriff Reams also presented Deputy Piacenza with the Life Saving Award for his quick reactions on December 30, 2018, while working as a Booking Deputy in training and was available to save an inmate's life.

 6) MERITORIOUS SERVICE AWARD, SHERIFF'S OFFICE – TOMMY LAMB AND KRIS HAFFNER: Sheriff Reams presented Deputies Lamb and Haffner the Meritorious Service Award for administering medical aid to Deputy Brandon Stupka on August 2018, while trying to diffuse a situation with an individual who made threats to his family. He presented Deputies Daniel Chapman, Leon De La Fuente and Matt Rosten with the Distinguished Service Medal for being an instrumental part of protecting and ensuring the safety of the reporting party during the incident.


 Each Commissioner, in turn, thanked the Deputies from the Weld County Sheriff's Office for the sacrifices they make every day to keep the residents of Weld County safe. They thanked the deputies' families for the sacrifices they make when their loved ones put on the badge and go to work. Chair Kirkmeyer thanked Sheriff Reams for presenting the awards to the Deputies at the Commissioners' meeting and allowing the Board to express their pride to the deputies and the Sheriff's Office. (Clerk's Note: The Board paused the meeting for a photo opportunity.)

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


#### **BIDS:**


 1) APPROVE BID #B1900076, MEDIA CAMPAIGN – DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Commissioner James recused himself from voting on this item. Rob Turf, Department of Purchasing, stated staff recommends continuing this bid so it can be further reviewed. Commissioner Freeman moved to continue said matter to April 24, 2019. The motion was seconded by Commissioner Moreno. Upon a roll call vote, the motion passed four to one, with Commissioner James recused.

 2) APPROVE BID #B1900069, POLYCOM VIDEO SOLUTION – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, reviewed the five (5) bids received and recommended awarding to CDWG, LLC, in the amount of \$92,705.16. Commissioner Moreno moved to approve said low bid. Seconded by Commissioner James, the motion carried unanimously.


 3) PRESENT BID #B1900077, FORTINET MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the five (5) bids received and stated staff will bring back a recommendation on April 24, 2019.


 4) PRESENT BID #B1900079, INFOBLOX ACTIVETRUST CLOUD PLUS 1-YEAR SUBSCRIPTION – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose reviewed the three (3) bids received and stated staff will bring back a recommendation on April 24, 2019.


 5) PRESENT BID #B1900081, EMC MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the eight (8) bids received and stated staff will bring back a recommendation on April 24, 2019.


 6) PRESENT BID #B1900073, DUST PALLIATIVE SUPPLY – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on April 24, 2019.


#### **NEW BUSINESS:**

 1) CONSIDER CONTRACT ID #2370 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – JAMIE JEFFERY AND TIMOTHY WALKER: Lennie Bottorff, Department of Human Services, presented the terms of the agreement for Jamie Jeffery and Timothy Walker to provide respite care services not to exceed sixteen (16) hours in a month. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) CONSIDER CONTRACT ID #2377 AGREEMENT FOR CHILD PROTECTION SERVICES AND AUTHORIZE CHAIR TO SIGN – CURT MOWER: Mr. Bottorff reviewed the terms of the agreement, stating Curt Mower will provide foster and kinship consultations for the Department of Human Services. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.


 3) CONSIDER CONTRACT ID #2496 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – AMANDA MEADS: Mr. Bottorff presented the terms of the agreement for Amanda Meads as a foster care home provider. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.


 4) CONSIDER CONTRACT ID #2497 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ED AND JA'NAE OSGOOD: Mr. Bottorff reviewed the details for Ed and Ja'nae Osgood to provide a foster care home located in Windsor. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 5) CONSIDER CONTRACT ID #2495 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – EMILIO ROSALES AND ESMERALDA MARTINEZ-ROSALES: Mr. Bottorff reviewed the terms of the agreement to allow Emilo Rosales and Esmeralda Martinez-Rosales to provide foster care home services. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously. In response to Commissioner Conway, Mr. Bottorff stated the promotional campaign has helped increase the number of foster families.




 6) CONSIDER CONTRACT ID #2567 AGREEMENT FOR PROFESSIONAL SERVICES AND AUTHORIZE CHAIR TO SIGN – HUMANE SOCIETY OF WELD COUNTY: Josh Noonan, Sheriff's Office, presented the agreement with the Humane Society of Weld County. In response to Commissioner Conway, Deputy Noonan stated things are going well with the Humane Society of Weld County despite earlier challenges. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.


 7) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – THE WILD ANIMAL SANCTUARY, A COLORADO NON-PROFIT CORPORATION: Bob Choate, Assistant County Attorney, presented the application for a special events permit for the listed eight (8) dates and stated many of the events will have 300 people or less. Mr. Choate stated the Temporary Assembly Permit is no longer required and the traffic control plan will not be a requirement for this event. Commissioner Conway moved to grant said special events permit and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 8) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R4571806 – LITTLE MIGHT, LLLP, C/O ARTHUR R. STAPP LONGMONT TOYOTA: Brenda Dones, Assessor, presented the petition for refund of taxes for tax year 2017, in the amount of \$14,165.14, and recommended approval. No representative from Little Might, LLLP, c/o Arthur R. Stapp Longmont Toyota, was present. Commissioner Moreno moved to approve said refund of taxes. Seconded by Commissioner Conway, the motion carried unanimously.

 9) CONSIDER CREATION OF PERA LIABILITY TRUST FUND: Don Warden, Director of Finance and Administration, explained the Department of Public Health and Environment staff were formerly State employees but when they became Weld County employees they elected to stay with PERA. He stated for better transparency and accountability it would be better to move this into a PERA Liability Trust Funds. Commissioner Freeman moved to create a PERA Liability Trust Fund to cover the reserve and adjust the amount annually. The motion was seconded by Commissioner Moreno, and it carried unanimously. Commissioner Conway thanked Mr. Warden for ensuring a more accurate accounting fund.

 10) CONSIDER TERMINATION OF WELD COUNTY OTHER POST EMPLOYMENT BENEFITS (OPEB) PLAN AND CLOSING OF ASSOCIATED OPEB TRUST FUND, EFFECTIVE DECEMBER 31, 2019: Mr. Warden presented the Other Post-Employment Benefits (OPEB) Plan which allowed employees who have thirty (30) years of service and are between the ages of 55 and 65 to remain on Weld County's retirement program. He stated because it is a large liability to Weld County the recommendation is the Board not add any one else to the plan. He suggested it be terminated and the remaining amount be transferred to the Weld County Retirement Plan. Commissioner Conway moved to approve said termination of Weld County Other Post Employment Benefits Plan and closing of associated OPEB trust fund. The motion was seconded by Commissioner Moreno, and it carried unanimously.

#### **PLANNING:**

 1) CONSIDER REQUEST OF MARTIN MARIETTA MATERIALS, INC., (SUCCESSOR OF LAFARGE WEST, INC.) FOR EXTENSION OF TIME TO COMMENCE OPERATIONS PERMITTED UNDER AMENDED USE BY SPECIAL REVIEW PERMIT, AMUSR-1259: Tom Parko, Director of the Department of Planning Services, stated Martin Marietta Materials, Inc., submitted a request to extend the time for commencement of operations for an additional two (2) years to April 10, 2021.

 Julie Mikulas, representative of Martin Marietta Materials, Inc., stated they are getting close to completion along the east side of the road and getting ready to move to the west side of the road, so this



should be the last extension. In response to Commissioner James, Ms. Mikulas confirmed the grazing operation will be able to continue without interruption. Commissioner Freeman moved to grant the two (2) year extension request from Martin Marietta Materials, Inc., to commence operations. The motion was seconded by Commissioner Moreno. Commissioner Conway presented his concerns with the third request. He believes they should be able to operate without requesting another extension. Commissioner Freeman stated allowing the continued grazing operations is beneficial to the area. Chair Kirkmeyer stated she would like to see the grazing operations continue, noting she doesn't want to see operations going at the same time on both the east side and west side, because it is distracting. Upon a roll call vote, the motion passed four to one, with Commissioner Conway opposed.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. 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 9:53 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

\_\_\_\_\_  
Barbara Kirkmeyer, Chair

\_\_\_\_\_  
Mike Freeman, Pro-Tem

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

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

\_\_\_\_\_  
Scott K. James


\_\_\_\_\_  
Steve Moreno

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 15, 2019


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, April 15, 2019, 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 Barbara Kirkmeyer, Chair  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James  
Commissioner Steve Moreno


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 April 10, 2019, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on April 10, 2019, as follows: 1) 1MUSR18-17-0024 – Leonel Ornelas and Ana Ornelas-Moreno, 2) USR18-0111 – Reynaldo Rodriguez, and 3) PCSC17-0014 – Robert L. Seltzer Family Trust. Commissioner Moreno seconded the motion, which carried unanimously.


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

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


#### PROCLAMATIONS:

 1) 2019 NATIONAL TELECOMMUNICATIONS WEEK – APRIL 14-20, 2019: Chair Kirkmeyer read the certificate for the record proclaiming April 14-20, 2019, as 2019 National Telecommunications Week. Mike Wallace, Director the Department of Public Safety Communications, stated he appreciates the Department of Public Safety Communication's staff being recognized for their hard work and dedication to Weld County residents.


## PRESENTATIONS:

 1) 2019 COMMUNICATIONS CENTER OF THE YEAR AWARD, DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS – NENA (NATIONAL EMERGENCY NUMBER ASSOCIATION) / APCO (ASSOCIATION OF PUBLIC COMMUNICATIONS OFFICIALS) – WELD COUNTY: Mr. Wallace stated the Weld County Department of Public Safety Communications has received recognition at the national and international levels and received the 2019 Communications Center of the Year Award for their leadership and for participating in community events, such as A Woman’s Place, the Polar Plunge, and Santa Cops. He stated the recognition was also for training in quality assurance and for the Quality Improvement Division for creating over 18,000 hours of training and continuing education to staff. Lastly, the Wireless Division was recognized for partnering with its users in the development of additional towers to increase communication capabilities. Each Commissioner, in turn, thanked Mr. Wallace and the Department of Public Safety Communications for being Weld County’s silent hero and connecting fire departments, police departments and other emergency personnel with residents who need assistance. Commissioner Conway stated shortly after Weld County Department of Public Safety Communications took over the dispatch center, the Flood of 2013 occurred, and it is a true testament to the work of the Department of Public Safety Communications in how the emergency was handled and that no lives were lost. Chair Kirkmeyer recalled in 1995, when Weld County joined the dispatch center with the City of Greeley. The Board expressed their pride and appreciation for the individuals who work in the Department of Public Safety Communications and their dedication for carrying out their duties in a professional manner. *(Clerk’s Note: The Board paused the meeting for a photo opportunity.)*


2) 2019 COMMUNICATIONS TRAINER OF THE YEAR AWARD, DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS – NENA (NATIONAL EMERGENCY NUMBER ASSOCIATION) / APCO (ASSOCIATION OF PUBLIC COMMUNICATIONS OFFICIALS) – JESSICA FLOHRS: Mr. Wallace announced Jessica Flohrs, Department of Public Safety Communications, was awarded Trainer of the Year, and stated she is recognized for transforming mistakes into opportunities. Each Commissioner, in turn, congratulated Ms. Flohrs for receiving the recognition as Trainer of the Year Award and for being calm and collected while training staff to be calm and professional in hectic situations.


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


## BIDS:

 1) APPROVE BID #B1900066, DESIGN SERVICES – SECURITY ACCESS PROJECT (CENTENNIAL CENTER) – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, presented the two (2) bids received and stated staff recommends awarding to bidder, Crumpton and Associates Architects, for the amount of \$6,750.00. Commissioner James moved to approve said low bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 2) APPROVE BID #B1900067, CARPET CLEANING (NORTH BUSINESS PARK) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the five (5) bids received and stated staff recommends awarding to Unique Facility Services, LLC, for the total amount of \$4,435.00. Commissioner Freeman moved to approve said bid. Seconded by Commissioner Conway, the motion carried unanimously.

 3) APPROVE BID #B1900072, HUMAN SERVICES WAYFINDING SIGNAGE ANALYSIS AND DESIGN – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the three (3) bids received and stated staff recommends awarding to bidder, Avalis Wayfinding Solutions, Inc., for the total amount of \$3,000.00. Commissioner Moreno moved to approve said bid. Seconded by Commissioner James, the motion carried unanimously.


 4) APPROVE BID #B1900064, FENCING REMOVAL AND CONSTRUCTION SERVICES – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated staff recommends awarding to bidder, Black Eagle Fence, Inc. In response to Commissioner Conway, Mr. Turf stated the grant amount for the overall County Road 13/34 Improvement Project is \$1,000,000.00. Commissioner James moved to approve said low bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 5) PRESENT AND APPROVE ON EMERGENCY BASIS BID #B1900078, BULK PORTLAND CEMENT FOR 2019 – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the two (2) bids and requested the emergency approval to meet the Department of Local Affairs (DOLA) grant deadline and to keep road construction between County Road (CR) 37 from CR 18 to CR 22 on schedule. He stated staff recommends awarding to bidder, GCC of America, for the total amount of \$53,701.14. Commissioner Moreno moved to approve said bid on an emergency basis. The motion was seconded by Commissioner Conway, and it carried unanimously.

#### **NEW BUSINESS:**


 1) CONSIDER CONTRACT ID #2509 AGREEMENT FOR PROFESSIONAL SERVICES FOR VARIABLE FREQUENCY DRIVE (VFD) INSTALLATION (PUBLIC HEALTH BUILDING) AND AUTHORIZE CHAIR TO SIGN – SETPOINT SYSTEMS CORPORATION: Toby Taylor, Director of the Department of Buildings and Grounds, presented the details of the agreement to allow Setpoint Systems Corporation to replace the outdated equipment for the HVAC system, for the total amount of \$42,856.00. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 2) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR PROVISION OF REAL TIME STREAM DATA SYSTEM AND AUTHORIZE CHAIR TO SIGN – TOWN OF WINDSOR: Roy Rudisill, Director of the Office of Emergency Management, reviewed the agreement with the Town of Windsor which will allow the County to install the stream gage warning system on the bridge at CR 13. He stated this has been under development, since the Flood of 2013, and confirmed it will be installed before the snow pack starts melting. Commissioner Conway moved to approve said intergovernmental agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

 3) CONSIDER CONTRACT ID #2575 AGREEMENT CONCERNING PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY, PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN NECESSARY DOCUMENTS – JANICE BALLINGER AND WILLIAM BALLINGER: Tiffane Johnson, Department of Public Works, presented the terms of the agreement for the total amount of \$34,119.00, as part of the CRs 34 and 13 Improvement project. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.




 4) CONSIDER CONTRACT ID #2587 AGREEMENT CONCERNING PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN NECESSARY DOCUMENTS – BRETT AND BARBARA RATNER: Ms. Johnson reviewed the details of the agreement for the total amount of \$26,590.00. Ms. Johnson stated staff has offered the Ratners \$4,000.00 as a cost to cure and to cover the surveying services after the project is complete to identify the new property boundary. She explained there are discrepancies between the Recorded Exemption and the property boundary which were discovered by the Department of Public Works. Commissioner


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

 5) CONSIDER TEMPORARY CLOSURE OF CR 31 BETWEEN CRS 76 AND 78: Amy Mutchie, Department of Public Works, presented the details of the closure beginning April 23, 2019, through April 26, 2019, to replace an irrigation culvert. She stated the gravel roads along the detour route have been treated with magnesium chloride. Commissioner Freeman moved to approve said closure. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 6) CONSIDER TEMPORARY CLOSURE OF CR 29 BETWEEN CRS 88 AND 90: Ms. Mutchie reviewed the closure and stated it needs to be extended for an additional one (1) month to May 24, 2019, due to delays caused by adverse weather conditions. Commissioner James moved to approve said closure extension. The motion was seconded by Commissioner Moreno, and it carried unanimously.

**PLANNING:**

 1) CONSIDER RECORDED EXEMPTION, RECX19-0014 – ANADARKO E&P ONSHORE, LLC: Maxwell Nader, Department of Planning Services, reviewed the application for a two (2) lot Recorded Exemption on Lot 2 to split the 74-acre parcel into a 27-acre Lot A and a 47-acre Lot B. Mr. Nader displayed a map of the location of the parcel and stated the property owner would like to divide the property so that proposed Lot B can be annexed into the Town of Erie, after the completion of the oil and gas wells. In response to Chair Kirkmeyer, Mr. Nader clarified Lot A contains the oil and gas development and Lot B will be annexed into the Town of Erie ,and he pointed out the access for proposed Lot B located along County Road 12.  Tracey Colling, representative of Anadarko E&P Operating, LLC, explained the Recorded Exemption wasn't done with the four (4) acre Recorded exemption, in 2017, is because they were donating land to the local Fire District and confirmed she understands the requirements for a recorded exemption.  Chair Kirkmeyer stated she opposes the recorded exemption because it doesn't meet the five-year requirement, the applicant is not able to demonstrate extenuating circumstances, it doesn't meet sound land use practices and she is concerned about the safety of the access and the increase in traffic. Commissioner Conway stated he agrees with the Department of Planning Services recommendations and moved to deny Recorded Exemption, RECX19-0014. The motion, which was seconded by Commissioner Moreno, carried unanimously.

 2) CONSIDER PARTIAL VACATION OF MINOR AMENDED USE BY SPECIAL REVIEW PERMIT, MUSR15-0005 (FORMERLY USR13-0052) – ANADARKO E&P ONSHORE, LLC: Mr. Nader stated since Recorded Exemption, RECX19-0014, was denied, the vacation request will need to be dismissed. Commissioner Conway moved to dismiss Partial Vacation of Minor Amended Use by Special Review Permit. Second by Commissioner Moreno, the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:52 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

\_\_\_\_\_  
Barbara Kirkmeyer, Chair

\_\_\_\_\_  
Mike Freeman, Pro-Tem

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

\_\_\_\_\_  
Scott K. James


\_\_\_\_\_  
Steve Moreno

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 17, 2019


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, April 17, 2019, at the hour of 9:00 a.m.


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

Commissioner Barbara Kirkmeyer, Chair - EXCUSED  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James  
Commissioner Steve Moreno


Also present:

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


 **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of April 15, 2019, as printed. Commissioner James seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on April 10, 2019, as follows: 1) USR18-0129 – Matthew and Lisa Geib, c/o Rocky Mountain Midstream, LLC, and 2) USR18-0067 – Adam Hilton and Lashawn Laguardia Hilton. Commissioner Moreno seconded the motion, which carried unanimously.

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


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

#### PRESENTATIONS:


 1) CERTIFICATE OF APPRECIATION, GREELEY/WELD AIRPORT MANAGER – GARY CYR: Chair Pro-Tem Freeman read the certificate for the record recognizing Mr. Cyr for his many accomplishments and professionalism as the Greeley/Weld County Airport Manager. Mr. Cyr stated his time at the airport was the highlight of his career. Each Commissioner, in turn, thanked Mr. Cyr for the professionalism and knowledge while spearheading the improvements at the airport. They acknowledged his involvement with the community and wished him well with his future endeavors. Chair Pro-Tem





Freeman stated Mr. Cyr will be missed at the airport. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, thanked Chair Kirkmeyer for the work session regarding video taping of the Board meetings; therefore, allowing for more legal transparency. He expressed his appreciation to the Board for County Road 49. Commissioner Conway thanked Commissioner James for suggesting the Board video tape their meetings and works sessions.


**BIDS:**


 1) APPROVE BID #B1900057, AREA AGENCY ON AGING-SENIOR NUTRITION PROGRAM MEAL DELIVERY – DEPARTMENT OF HUMAN SERVICES: Rob Turf, Department of Purchasing, reviewed the sole bid received and stated staff recommends awarding to bidder, Commission Now, LLC, dba The Greeley Gopher, for the total amount of \$8,419.15. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) APPROVE BID #B1900058, AREA AGENCY ON AGING-OLDER AMERICANS ACT GRANT APPLICATION – DEPARTMENT OF HUMAN SERVICES: Mr. Turf reviewed the six (6) bids received and stated staff recommends awarding to each of the bidders for various services as detailed in the memorandum. Commissioner Moreno moved to approve said bids as recommended by staff. The motion was seconded by Commissioner James, and it carried unanimously.


 3) PRESENT BID #B1900085, TABOR NOTICES – CLERK AND RECORDER OFFICE (ELECTIONS): Mr. Turf reviewed the four (4) bids received and stated staff will bring back a recommendation after all the ballot initiatives have been identified before elections. Carly Koppes, Clerk and Recorder, stated they will need to come back within the month to have everything in place before the elections and there is a couple of weeks left in legislation. She stated she is unsure about the State-wide issues on the 2019 ballot; however, she is confident school districts will be putting Tabor questions on the ballot.


 4) PRESENT BID #B1900084, COUNTY ROAD 15 TOWER UPGRADE – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the sole bid received and stated staff will bring back a recommendation on May 1, 2019.


 5) PRESENT BID #B1900088, SIDE DUMP TRAILER – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the five (5) bids received and stated staff will bring back a recommendation on May 1, 2019.

 6) PRESENT BID #B1900082, CISCO MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, reviewed the eight (8) bids received and stated staff will bring back a recommendation on May 1, 2019.

**NEW BUSINESS:**

 1) CONSIDER CONTRACT ID #2508 AGREEMENT FOR PROFESSIONAL SERVICES FOR ALTERNATIVE TRANSPORTATION SERVICES AND AUTHORIZE CHAIR TO SIGN – HOPSKIPDRIVE, INC.: Jamie Ulrich, Deputy Director of the Department of Human Services, presented the agreement to provide alternative transportation to assist with school and visitation for Foster Families. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 2) CONSIDER CONTRACT ID #2555 AGREEMENT FOR CHILD PROTECTION SERVICES AND AUTHORIZE CHAIR TO SIGN – AVER PSYCHOLOGICAL AND WELLNESS SERVICES, LLC: Ms. Ulrich presented the agreement for Ms. Carpenter as part of the Juvenile Sex Offender Management Board to provide treatment and evaluations. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James. Upon a roll call vote, the motion carried three to five with Chair Kirkmeyer excused and Commissioner Moreno recused.

 3) CONSIDER STANDARD FORM FOR MEMORANDUM OF UNDERSTANDING REGARDING FOSTER PARENT MENTORING PROGRAM BETWEEN WELD COUNTY DEPARTMENT OF HUMAN SERVICES AND VARIOUS FOSTER PARENTS AND AUTHORIZE CHAIR TO SIGN MEMORANDUMS OF UNDERSTANDING CONSISTENT WITH SAID FORM: Ms. Ulrich presented the standard form to be used between the Department of Human Services and foster parent mentors to communicate the roles and responsibilities of each party. She explained there will be a required minimum four (4) hours of training with a minimum reimbursement of \$75.00 for the training. Commissioner James moved to approve said standard form and authorize the Chair to sign memorandums of understanding consistent with said form. 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 9:22 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

EXCUSED

Barbara Kirkmeyer, Chair

Weld County Clerk to the Board

Mike Freeman, Pro-Tem

BY: \_\_\_\_\_

Deputy Clerk to the Board

Sean P. Conway

Scott K. James

Steve Moreno

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 22, 2019


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, April 22, 2019, 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 Barbara Kirkmeyer, Chair  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James  
Commissioner Steve Moreno

Also present:


Assistant County Attorney, Bob Choate  
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 April 17, 2019, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on April 17, 2019, as follows: 1) USR18-0122 – Rafael Ibarra, 2) USR18-0110 – Box M Ranch, LLC, and 3) USR18-0112 – Gutterson Ranch, LLC. Commissioner Moreno seconded the motion, which carried unanimously.


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


#### PROCLAMATIONS:


 1) **PROCLAMATION OF APPRECIATION FOR THOSE EMPLOYED BY AND BUSINESSES WHO SUPPORT THE OIL AND GAS INDUSTRY IN WELD COUNTY:** Chair Kirkmeyer thanked everyone in attendance and read the proclamation for the record, expressing the Board's appreciation of those employed by, and businesses, who support the oil and gas industry. Commissioner Freeman thanked all the employees working in the industry and recognized the impact SB-181 will also have on the agricultural industry. He stated taxes from oil and gas properties contributed over \$200 million last year to education in Weld County and he explained the loss of funding for infrastructure needs in the State. He expressed the importance of the oil and gas industry to Weld County and stated the Commissioners will continue to fight for the industry. Commissioner Conway stated the Weld County Commissioners are committed to supporting the oil and gas industry. He explained the oil and gas produced in the United States provides stability and security, and thanked those who contribute and represent the oil and gas industry.


Commissioner Moreno thanked the representatives from the oil and gas industry and reminded everyone the Board has a responsibility to protect the health and welfare of the Weld County citizens; so, the Board will make sure that Weld County will not be jeopardized by the passing of SB-181. He believes there is a lack of education about protecting the land and water, and implored citizens to get educated and work together to protect the health, safety, and welfare of residents. Commissioner James stated he concurred with his fellow Commissioners' comments. He explained the oil and gas industry is already committed to health and safety; therefore, he doesn't believe there needs to be more rules and regulations placed on the industry. Lastly, he stated he is proud to stand with his fellow Commissioners and support those in the oil and gas industry.

 Gene Stille, resident of Weld County, expressed his support of the County Commissioners' proclamation on SB-181. He believes without oil and gas, the United States cannot feel secure. He stated the industry raises revenue for the local Fire Departments, so they can purchase vehicles and other equipment.


 Renee McGill, resident of Greeley, explained her husband is employed by the oil and gas industry and she worries about the effects SB-181 will have on her family. She inquired about the Commissioners being involved with the recall process of Governor Jared Polis and Rochelle Galindo, House Democratic representative. Ms. McGill expressed her appreciation to the Commissioners for supporting the Oil and gas industry. She stated many people rely upon the oil and gas industry and SB-181 is not a good thing for the residents of Weld County.

 Rich Warner, President of Colorado Upstate Economic Development, thanked the Commissioners for the time they took to testify against SB-181. He stated disposable income and the indirect economy that comes from the oil and gas industry will be affected the most. Mr. Warner stated SB-181 will affect the tax revenues that go toward education and necessary infrastructure. He stated it is important to avoid a legislative recession.


 Jason Williamson, Weld County resident, stated he and his family work in, and are supported by, the oil and gas industry. He stated he does not support Governor Polis or SB-181. Mr. Williamson explained he is involved in the process to get Governor Polis and others recalled.


 DeAndrea Arndt, resident of Erie, thanked the employees of oil and gas for making everyone's lives better. She stated she supports the oil and gas industry and those who work in the industry and also thanked the Commissioners.


 Gabriel Nelson, resident of Weld County and employed in the oil and gas industry, reflected on how regulations had a negative impact to the industry in 2005. He stated he voted "no" on Proposition 112 and implored everyone to keep fighting for the industry. He also thanked Steve Reams, Sheriff, for protecting the residents' Second Amendment rights.


 Luke Coats, representative of Energy Strong, stated he heard the Commissioners' comments and he is proud with the way they represent the industry. He stated energy benefits the lives of everyone. He stated he would like to educate people, so they understand the oil and gas industry's positive impacts and benefits.


 Sheriff Reams stated he is a constituent of the Commissioners. He explained the oil and gas industry is a supporter of law enforcement, and supports the Commissioners in their opposition against SB-181.


 Duane Lease, resident of Longmont, stated it is important that the Commissioners are supporting employees of the oil and gas industry who are subjected to the whims of the world wide market. He stated the Martinez family suffered a terrible tragedy because of a forgotten and poorly regulated natural gas line. He expressed his belief about the purpose of SB-181 and stated it isn't about making life harder for oil and gas industry, but it is about protecting families from the unregulated impacts of the oil and gas operations. He expressed his frustrations with families not being able to protect themselves against large-scale, commercial oil and gas operations. He stated he supports SB-181 because it will protect the citizens of Weld County.


 Kyle Pope, resident of Greeley, stated he represents the Energy Strong families and the Weld County Commissioners, and it is time to fight back because this is Weld County's fight.


 Rocky Baxam, resident of Weld County, stated he was a neighbor of the Martinez family and it was a tragic accident caused by oversight from a couple of people, but it was not entirely the industry's fault. Mr. Baxam stated "don't punish the entire industry for one tragic mistake."

 Jessica Lebsack, representative of Energy Strong, expressed her grief over the tragedy of the Martinez family from impacts of the oil and gas industry, but stated the housing development also needs to be held accountable and to higher standards for their safety procedures when building.

 Ryan Seastrom, representative of Colorado Oil and Gas Association (COGA), expressed his appreciation for the proclamation and stated he looks forward to navigating the resulting challenges presented by SB-181 with the County Commissioners.


 Chris McGowan, representative of the Colorado Petroleum Council, thanked the oil and gas industry representatives and employees for everything they do. He also thanked the Board for their leadership in helping and supporting the industry.


 Chair Kirkmeyer stated Weld County and the State of Colorado are very important to her and her family and thanked those in attendance for coming and hundreds of individuals who have expressed their support to the Board through social media. She stated she was appalled at the words Governor Polis expressed when signing SB-181 how there is an "oil and gas war" and we are the enemy. She stated she is thankful to the industry for everything they do for the County. She and the other Commissioners pledge to support and give oil and gas representatives a voice. She stated the Board promises they will do their best to support and fight and will stand with oil and gas as part of the Energy Strong team. *(The Board paused for a brief recess at 9:54 a.m. and reconvened at 10:04 a.m.)*


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


 *(Clerk's Note: Commissioner Freeman was excused at 10:04 a.m.)*

#### **BIDS:**


 1) APPROVE BID #B1900063, DEWATERING DESIGN AND CONSTRUCTION SERVICES FOR CRS 13 AND 34 – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the sole bid received and stated staff recommends awarding to the bidder, Mersino Dewatering, Inc., for the total amount of \$406,020.00. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

 2) PRESENT BID #B1900091, NIGHT VISION AND ILLUMINATOR (QTY. 10) – SHERIFF’S OFFICE: Mr. Turf reviewed the six (6) bids received and stated staff will bring back a recommendation after product demonstrations have been completed. *(Clerk’s Note: Subsequently the bid was approved May 1, 2019.)*

 3) PRESENT BID #B1900080, PORTABLE CRUSHER AND CONTROL TRAILER – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on May 6, 2019.


 4) PRESENT BID #B1900087, WELD COUNTY JAIL 2-WEST MATERIALS TESTING SERVICES – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on May 6, 2019.


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


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

#### **NEW BUSINESS:**

 1) CONSIDER CONTRACT ID #2597 AGREEMENT FOR COMMUNICATIONS TOWER AND SITE LEASE AND AUTHORIZE CHAIR TO SIGN: Mike Wallace, Director of the Department of Public Safety Communications, reviewed the terms of the agreement and communications site lease with the FAA for the LaSalle Tower Site. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

 2) CONSIDER AWARD LETTER AND INTERGOVERNMENTAL AGREEMENT FOR 2019 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT FOR NORTHERN COLORADO REGIONAL FORENSIC LABORATORY AND AUTHORIZE CHAIR TO SIGN AND ELECTRONIC SUBMITTAL: Daren Ford, Director of the Regional Crime Lab, presented the terms for the intergovernmental agreement and the award letter for the 2019 Paul Coverdell Forensic Science and Improvement Grant. Commissioner Conway moved to approve said award letter and intergovernmental agreement, and authorize the Chair to sign and delegate electronic submittal to the Clerk to the Board. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 3) CONSIDER CONTRACT ID #2610 AGREEMENT FOR RELOCATION OF POTABLE WATER PIPELINE FOR CRS 34 AND 13 INTERSECTION PROJECT AND AUTHORIZE CHAIR TO SIGN – LITTLE THOMPSON WATER DISTRICT: Mike Bedell, Department of Public Works, explained the relocation of the pipeline is associated with the County Road 13/34 Intersection Improvement Project. He stated the Little Thompson Water District has facilities and owns easements on the east side of CR 13 and needs to relocate their facilities 40 to 50 feet from CR 13, so the Department of Public Works staff can complete the road. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

 4) CONSIDER SUPPORT OF U.S. HIGHWAY 34 PLANNING AND ENVIRONMENTAL LINKAGES (PEL) STUDY: Dawn Anderson, Department of Public Works, presented the information regarding the U.S. Highway 34 Planning and Environmental Linkage (PEL) Study. She explained the study area is a 34.6-mile section of U.S. Highway 34, from Larimar County Road 29 to the west and Weld County Road 53 to the east, “O” Street to the north and County Road 54 (Freedom Parkway) to the south. Ms. Anderson

explained how the Colorado Department of Transportation worked with the local municipalities and counties over the last two (2) years to develop a strategic vision, to address safety, mobility, access and identify recommended solutions for the corridor. Commissioner Conway stated the funding for this study came from the MPO and the municipalities did not have to contribute any money for this PEL study. Commissioner Conway moved to approve the Resolution and support said U.S. Highway 34 PEL Study. Seconded by Commissioner James, 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 10:16 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

\_\_\_\_\_  
Barbara Kirkmeyer, Chair

\_\_\_\_\_  
Mike Freeman, Pro-Tem

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

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

\_\_\_\_\_  
Scott K. James

\_\_\_\_\_  
Steve Moreno




# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 24, 2019


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, April 24, 2019, 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 Barbara Kirkmeyer, Chair  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James  
Commissioner Steve Moreno


Also present:

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


 **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of April 22, 2019, as printed. Commissioner James seconded the motion, and it carried unanimously.



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


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


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


#### **BIDS:**

 1) APPROVE BID #B1900076, MEDIA CAMPAIGN – DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Commissioner James recused himself from voting on item #1 since he is employed with the media industry. Rob Turf, Department of Purchasing, reviewed the six (6) bids received and stated staff recommends awarding to the bidder, Townsquare Media, for a total amount of \$31,000.00. In response to Commissioner Conway, Dr. Mark Wallace, Director of the Department of Public Health and Environment, explained the media campaign will use grants from the Amendment 35 Tobacco Control Program and Communities that Care Program. He stated the Department of Public Health and Environment will use several grants to focus on tobacco prevention. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously. *(Clerk's Note: Commissioner James returned after the motion was made.)*

 2) APPROVE BID #B1900073, DUST PALLIATIVE SUPPLY – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the bids received and stated staff recommends awarding to the low bidder, GMCO Corporation, for the total amount of \$1,074,840.00. In response to Commissioner Conway, Bruce Barker, County Attorney, explained GMCO Corporation's principal headquarters is in Rifle, Colorado, but they also sent a letterhead which includes a Windsor, Colorado, address. Mr. Barker stated he was unable to locate any documentation with the name GMCO Corporation with the Weld County Clerk and Recorder's Office. Mr. Barker stated the Board will need to ask GMCO Corporation if they have an office in Weld County and to recount the experience or track record of their business conducted in Weld County. Mr. Barker stated the Board will need to determine if a business is competitive. Chair Kirkmeyer stated the Home Rule Charter states the County Commissioners will give preference to resident Weld County bidders.  Jeremy Henderson, owner of GMCO Corporation, stated he has two employees at 207 Rockbridge Lane, Windsor, Colorado, (Weld County) and they were located at the Windsor address when they submitted the bid. He stated there is a contract in place in Windsor for a facility that is contingent on this bid. In response to Commissioner Conway, Mr. Henderson stated he has nine (9) employees out of the Rifle, Colorado, office, which is their primary office. Chair Kirkmeyer reiterated the Charter states preference must be given to a Weld County resident bidder. Commissioner Conway stated there is only one resident bidder, EnviroTech, and based on the research Mr. Barker did, GMCO Corporation is not registered in Weld County. In response to Chair Kirkmeyer, Mr. Henderson confirmed the facility is a rental, but the employees who work there are residents of Weld County and if he is awarded the contract he will have a permanent facility in Windsor, Colorado. He stated GMCO Corporation has been in business for 55 years and there are other employees who reside in Weld County. Chair Kirkmeyer clarified the intent of the section in the Charter and stated there are two employees residing in Windsor, Colorado, (Weld County) and GMCO qualifies as a resident bidder. Commissioner Moreno clarified GMCO Corporation has not established residency in Weld County. Commissioner James suggested the Board needs to follow the language in the Charter and the criteria for establishing residency. Chair Kirkmeyer confirmed that GMCO Corporation is a resident Weld County bidder and is the low bidder.


 Tim Pike, representative of EnviroTech, reviewed the details of the contributions EnviroTech has made to Weld County, and stated they are an established Weld County resident business. Commissioner Freeman agreed EnviroTech is a more established business in Weld County, but stated based on the language in the Charter, GMCO Corporation is the Weld County resident low bidder. Commissioner Freeman moved to approve said low bid, which was seconded by Commissioner James.

 Commissioner Conway stated he believes the motion does not meet the intent of the Charter and there is a lack of commitment to Weld County from the business. He explained the provision was put in the Charter to help local Weld County businesses; therefore, he will not support the bid. Commissioner Moreno stated he will not support the motion and agrees with Commissioner Conway's comments. Chair Kirkmeyer stated she will support the motion and agrees with the comments made by Commissioners James and Freeman. She explained the Charter doesn't specify the amount of time a bidder must be a resident, or the amount invested in their community. Upon a roll call vote, the motion passed three to two, with Commissioners Conway and Moreno opposed.


 3) APPROVE BID #B1900077, FORTINET MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, reviewed the five (5) bids received and stated staff recommends awarding to the low bidder, Zivaro, Inc., for the total amount of \$89,459.71. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner James, and it carried unanimously.


 4) APPROVE BID #B1900079, INFOBLOX ACTIVETRUST CLOUD PLUS 1-YEAR SUBSCRIPTION - DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose reviewed the three (3)


bids received and stated staff recommends awarding to the low bidder, Zivaro, Inc., for the total amount of \$22,316.83. Commissioner Moreno moved to approve said low bid. Seconded by Commissioner Conway, the motion carried unanimously.

 5) APPROVE BID #B1900081, EMC MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose reviewed the seven (7) qualifying bids received and stated staff recommends awarding to the low bidder, Sanity Solutions, Inc., for the total amount of \$176,425.77. Mr. Rose explained the low bid from Jasper Group International, Inc., did not meet bid specifications; therefore, was disqualified. Commissioner Freeman moved to approve said low bid. The motion was seconded by Commissioner James, and it carried unanimously.

**NEW BUSINESS:**

 1) CONSIDER RENEWAL APPLICATION FOR A HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – COLORADO CATTLE COMPANY, LLC, DBA COLORADO CATTLE COMPANY: Bob Choate, Assistant County Attorney, presented the renewal application and noted there were no concerns. Commissioner Freeman moved to grant said license renewal and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 2) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – FRANK’S RIDE FOR CHILDREN, FBO MAKE-A-WISH FOUNDATION OF COLORADO, INC.: Mr. Choate presented the application for a Special Events Permit and stated there have been no referral concerns. He stated the event will be held June 8, 2019, from 8:00 a.m., to 9:00 p.m., at Anderson Farms. No public testimony was offered concerning this matter. Commissioner Moreno moved to grant said special events permit. Seconded by Commissioner James, the motion carried unanimously.

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

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

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

There being no further business, this meeting was adjourned at 9:37 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

EXCUSED DATE OF APPROVAL \_\_\_\_\_  
Barbara Kirkmeyer, Chair

\_\_\_\_\_  
Mike Freeman, Pro-Tem

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

\_\_\_\_\_  
Scott K. James


EXCUSED DATE OF APPROVAL \_\_\_\_\_  
Steve Moreno

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO APRIL 29, 2019


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, April 29, 2019, 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 Barbara Kirkmeyer, Chair - EXCUSED  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Sean P. Conway  
Commissioner Scott K. James  
Commissioner Steve Moreno – EXCUSED

Also present:


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


 **MINUTES:** Commissioner James moved to approve the minutes of the Board of County Commissioners meeting of April 24, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **READ ORDINANCE BY AUDIO:** Commissioner Conway moved to read Code Ordinance #2019-02 by audio. The motion was seconded by Commissioner James and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on April 24, 2019, as follows: 1) 1MJUSR19-14-0035 – AKA Energy Group, LLC, 2) USR18-0125 – High Plains RV Storage and Service, LLC, and 3) USR19-0001 – Quokka Investments Colorado, LLC. Commissioner Conway seconded the motion, which carried unanimously.

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


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


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


#### NEW BUSINESS:


 1) CONSIDER STANDARD FORM FOR LICENSED CHILD CARE PROVIDER FISCAL AGREEMENT FOR SERVICES BETWEEN THE WELD COUNTY DEPARTMENT OF HUMAN


SERVICES AND VARIOUS PROVIDERS AND AUTHORIZE CHAIR TO SIGN AGREEMENTS CONSISTENT WITH SAID FORM: Karin McDougal, Assistant County Attorney, on behalf of Department of Human Services, presented the updated fiscal agreement templates created by the State of Colorado for Licensed Child Care providers. The Department requests approval of the templates and that authority be delegated to the Department's Child Care Supervisor and Division head of employment services to sign said agreement. Commissioner James moved to approve said form and delegate authority to sign agreements consistent with said form. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) CONSIDER MASTER CONTRACT FOR COMMUNITY CORRECTIONS SERVICES AND AUTHORIZE CHAIR TO SIGN: Doug Erler, Director of the Department of Justice Services, reviewed the details of the new five (5) year Master Contract for Community Correction Services. Commissioner Conway moved to approve said master contract and authorize the Chair Pro-Tem to sign. The motion was seconded by Commissioner James, and it carried unanimously.



 3) CONSIDER QUIT CLAIM DEED TO TRANSFER ONE (1) FOOT STRIPS IN WESTRIDGE SUBDIVISION, FOURTH FILING AND AUTHORIZE CHAIR PRO-TEM TO SIGN ALL NECESSARY DOCUMENTS – CITY OF GREELEY: Dawn Anderson, Department of Public Works, stated the City of Greeley is in the process of making roadway improvements and to ease the planning and construction, Greeley has requested Weld County Quit Claim Deed the one-foot strips reserved on the West Ridge Fourth Filing Subdivision plat. Commissioner Conway moved to approve said Quit Claim Deed and authorize the Chair Pro-Tem to sign. Seconded by Commissioner James, the motion carried unanimously. Commissioner Conway thanked the Department of Public Works for working collaboratively with the City of Greeley.

 4) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 13 BETWEEN CR 34 AND STATE HIGHWAY 66: Amy Mutchie, Department of Public Works, presented the request to extend the closure of County Road 13, which was approved previously for the relocation of a gas pipeline that was scheduled to reopen on May 3, 2019. She stated because of unanticipated adverse weather conditions, the closure needs to be extended an additional week to reopen County Road 13 on May 10, 2019. Commissioner Conway moved to approve said extension of temporary closure. The motion was seconded by Commissioner James, and it carried unanimously.

 5) FINAL READING OF WELD COUNTY ORDINANCE #2019-03, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 5 REVENUE AND FINANCE AND CHAPTER 12 LICENSES AND PERMITS, OF THE WELD COUNTY CODE (*TEMPORARY ASSEMBLY PERMITS*): Commissioner James moved to read Code Ordinance #2019-03 by title only. The motion was seconded by Commissioner Conway, and it carried unanimously. Bruce Baker, County Attorney, read the title for the record. In response to Commissioner Conway, Mr. Barker confirmed after the final reading of Code Ordinance #2019-03 is approved temporary assembly permits will no longer be required. Chloe Rempel, Deputy Clerk to the Board, stated she has a letter to send to notify the applicants who have applied for a temporary assembly permit in the past, that they will no longer need a temporary assembly permit. She stated Fritzler's has not yet been contacted about the changes. No public input was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2019-03 on final reading. Seconded by Commissioner Freeman, the motion carried unanimously.

 8) SECOND READING OF WELD COUNTY ORDINANCE #2019-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 12 LICENSES AND PERMITS, OF THE WELD COUNTY CODE (*LIQUOR LICENSES*): Commissioner James moved to read by title only, which was seconded by Commissioner Conway, and the motion carried unanimously. Mr. Barker

read the title for the record and stated there have been no changes since the first reading. No public testimony was offered concerning this matter. Commissioner Conway moved to approve Code Ordinance #2019-04 on second reading. Seconded by Commissioner James, the motion carried unanimously.

 9) FIRST READING OF WELD COUNTY ORDINANCE #2019-02, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 14 HEALTH AND ANIMALS, CHAPTER 23 ZONING, AND CHAPTER 29 BUILDING REGULATIONS, OF THE WELD COUNTY CODE (*MISC ZONING*): Jim Flesher, Department of Planning Services, discussed the changes to Code Ordinance #2019-02 and explained the intent of the Code is to encourage development in the zone district appropriate for the type of development proposed and to promote compatible uses within zoning districts'. Mr. Flesher confirmed during the Planning Commission hearing, no public input was offered concerning this matter.  Dave Kisker, resident of Johnstown, expressed his frustration with the inconsistencies regarding industrial uses defined in the Code and submitted his comments as Exhibit "A." In response to Commissioner Conway, Mr. Kisker stated he would bring a compatibility matrix and scale size chart as soon as he completes it. He gave an example of the Solar Farm changes and how through discussion, come up with a good product. Mr. Kisker stated he would include other examples in his chart. Commissioner Freeman stated the Board worked through the compatibility issue regarding the solar farm. Commissioner Conway presented his concerns with the language in the Code. He stated he doesn't understand why the Board will allow Batch Plants in the A (Agricultural) zone but not an RV storage facility. Commissioner James stated he agrees with Commissioner Conway's comments and believes there is language that needs to be clarified between the first and second readings. Chair Pro-Tem Freeman stated he agrees with the comments made by his fellow Commissioners. He stated Solar Farms are truly industrial uses and should only be in an industrial zone. He stated the Board will need to schedule another work session with a full quorum of the Board. Commissioner James moved to approve Code Ordinance #2019-02 on first reading. The motion, which was seconded by Commissioner Conway, carried unanimously. Chair Pro-Tem Freeman thanked staff for their hard work on the Code.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2019-03 was approved on Final Reading, Code Ordinance #2019-04 was approved on Second Reading, and Code Ordinance #2019-02 was approved on First Reading.

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



There being no further business, this meeting was adjourned at 9:37 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

EXCUSED

Barbara Kirkmeyer, Chair

Weld County Clerk to the Board

Mike Freeman, Pro-Tem

BY:

Deputy Clerk to the Board

Sean P. Conway

Scott K. James

EXCUSED

Steve Moreno