


RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MARCH 6, 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, March 6, 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 February 27, 2019, as printed. Commissioner James seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on February 27, 2019, as follows: 1) USR18-0073 – Mark Sloan, and Evan and Tara Marcellus, and 2) PUDF18-0008 – Colson, Inc., c/o Mark Bowman. Commissioner Conway seconded the motion, which carried unanimously.

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


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


PRESENTATIONS:


 1) CERTIFICATE OF APPRECIATION, GIRL SCOUTS OF COLORADO TROOP 77931 – ERIE, COLORADO - BLACK ROCK ELEMENTARY: Chair Kirkmeyer read the certificate for record and presented it to the Girl Scout Troop 77931 as recognition for their hard work and dedication to brighten the holidays for Weld County's children in foster and kinship care by filling 400 stockings for their Christmas parties. Heather Walker, Department of Human Services, explained how the girls' dedication to helping others was instrumental in helping 300 foster families have a joyous holiday season. She


introduced Aberdeen and Kylie, Girl Scouts present to represent their troop. Annie Holtz, resident of Erie, stated she instills the qualities of being a nice neighbor and continues to teach the girls about helping others. She stated she is proud of the girls. Each Commissioner thanked the girls for their hard work and generosity. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


NEW BUSINESS:


 1) CONSIDER DECLARING WELD COUNTY TO BE A "SECOND AMENDMENT SANCTUARY COUNTY": Chair Kirkmeyer stated she will use Chair prerogative and move New Business item #1 prior to Public Input. She read the Resolution for the record and expressed the Commissioners' support to defend Second Amendment Rights. Bruce Barker, County Attorney, presented a summary of the representation of the Resolution and stated it upholds the "Right to Bear Arms", which is found in the U.S. Constitution, as well as the Colorado Constitution. He explained the duty of the Sheriff is to enforce laws which are constitutional; however, the Sheriff has to determine which laws he is able to enforce that are constitutional. He stated there are certain sections of House Bill (HB 19-1177) which the Commissioners have deemed unconstitutional. He further explained the Commissioners don't have an obligation to fund anything that they deem to be unconstitutional. Steve Reams, Weld County Sheriff, read a statement for the record, included as an Exhibit, and stated he is grateful to the Board for their consideration of adopting the Resolution to make Weld County a Second Amendment Sanctuary County. He expressed his frustration that this bill does nothing to address mental health, nor the treatment of mental illness. He stated the legislators are ignoring the real issue of mental health.


 Kristie Rodriguez, resident of Greeley, thanked Sheriff Reams for standing up for the citizens of Weld County. She thanked the State Legislators who are fighting for citizens' rights. She urged everyone to petition Rochelle Galindo, who is in favor of House Bill 19-1177. Ms. Rodriguez stated the government is trying to disarm citizens and making them criminals without due process.


 Gary Oplinger, resident of Johnstown, spoke in support of the Commissioners' Resolution for Weld County to become a Second Amendment Sanctuary County and he suggested that Weld County also become a Constitutional Rights Sanctuary. He stated the bill will create a higher legal standard to return a firearm to an owner than it would to confiscate it. Mr. Oplinger stated he would like to see Constitutional Rights be preserved.


 Leslie Hollywood, founder and director of Rally for Our Rights, thanked the Commissioners and Sheriff Reams for taking the lead on an important issue and protecting and standing up for the citizens of Weld County. Ms. Hollywood stated law enforcement is being put in a dangerous situation. She also added there is no mental health assessment element to this Bill.


 Aubrey Raney-Avers, resident of Greeley, opposed the need for the Second Amendment Sanctuary County. She explained the title of the Resolution is misleading, because the "Second Amendment" Right is not at risk. She stated she fully supports the right to own a gun and would like to ensure the safety of her family and community.


 Steve Hall, Weld County resident, stated he is concerned about the safety risk to law enforcement if the Bill is passed. He presented Title 18, Section 2-42, which *"makes it a crime for anyone acting under the color of any law to willfully deprave a person of a right or privilege protected by the Constitution or the laws of the United States."* He expressed his concern that this Bill will put law enforcement officials in an unnecessary risk. He then submitted his speech as an Exhibit. He thanked the Commissioners for their support.


 Aaron Peterson, resident of Eaton, stated he is proud of the Commissioners for their support. He disagreed with the ability of law enforcement to seize and hold personal property without any proof of guilt, as well as the ability of neighbors and other individuals that can deem a person unstable to have and bear arms. He stated he has concerns about the lack of due process. He questioned who would be the one to make the decision to seize an individual's arms.

 Bill Gillard, resident of Greeley, stated he would like to thank the nation's fore fathers the Commissioners and Sheriff Reams for standing up for the citizens of Weld County.


 Haley Marcantonio, resident of Johnstown, thanked the Commissioners and Sheriff Reams for their support of Weld County citizens.


 Steven Grant, resident of Greeley, thanked the Commissioners and Sheriff Reams for their labor of love and protection of the citizens of Weld County.


 Brett Abernathy, resident of Greeley, asserted the one overlooked item in the Bill is the requirement of someone being able to take a person's firearms and how this situation will put law enforcement in danger, because they have no idea what they are walking into. He offered his support of a nation-wide gun registry.


 Sheriff Reams added he supports many of the comments made by the public and he is proud of the Commissioners for supporting Weld County becoming a Second Amendment Sanctuary County because it worth protecting.


 Chair Kirkmeyer, on behalf of the whole Board of Commissioners, extended their appreciation to Sheriff Reams for supporting the residents of Weld County and she stated the Commissioners are proud of Sheriff Reams. Commissioner Conway moved to approve said Resolution, which was seconded by Commissioner Freeman.


 In response to Commissioner Conway, Sheriff Reams explained the current law can place a 72-hour hold on someone who needs mental health treatment. He stated a "professional" must make the determination if the individual would be an imminent risk to the public and because of this the mental health issue needs to be addressed.

 Commissioner James stated he swore an oath to support and uphold the United States Constitutional rights. He stated there needs to be a discussion about addressing mental health issues. He feels this Bill will place an extreme risk on law enforcement and it is an infringement on the Second, Fourth and Eighth Amendment rights. Commissioner Conway explained his support of the Resolution, stating the Bill is unconstitutional and does nothing to address the mental health issue in this Country. He believes by violating other constitutional rights it does nothing to address mental health.


 Commissioner Freeman stated the Board took an oath to uphold the Constitution. He feels the State Legislature is trying to take away citizens' guns, without addressing mental health.


 Commissioner Moreno thanked Sheriff Reams for his support of the Resolution. He stated Senator Cooke stated he is in support of this Resolution and expressed his frustration with law enforcement being able to disarm citizens.


 Chair Kirkmeyer stated officials need to speak up to protect the rights of citizens and she is proud of everyone who is present to voice their opinions. She stated the Resolution needs to be dispersed to every legislature, to the Governor, to the sixty-three (63) Counties in Colorado, and the 32 municipalities that are within Weld County. There being no further discussion, upon a roll call vote, the motion passed unanimously.


 **PUBLIC INPUT:** Amy Cooke, resident of Greeley, thanked Chair Kirkmeyer for her testimony against Senate Bill 19-181. She explained this Bill is designed to slow down industry. Ms. Cooke gave a brief overview of what will happen to Weld County's economy if this Bill is passed. She stated the slowdown of drilling new wells will have a direct impact on Weld County. Ms. Cooke presented some calculations as to the economic hardship Senate Bill 19-181 will create, for example Weld County will lose \$199,000,000.00 based on 2018 finances. She expressed that Commissioners should not allow Boulder officials to dictate how Weld County develops its resources. Chair Kirkmeyer reviewed the devastating effects this Bill will have on Colorado's economy and clarified the definition of the moratorium, which states all the rules have to regulated by the Governor. She believes the setback requirement of 1,500 feet from any residence will eliminate oil and gas in Colorado. She reviewed the fiscal impact the Bill will have on Colorado. Commissioner Freeman stated Governor Polis is disingenuous about the Bill because he claims it will not have an impact on Weld County. Commissioner Conway thanked Chair Kirkmeyer and Commissioners Freeman and James, for speaking to Governor Polis and he reminded everyone this Bill has six (6) more hearings. He suggested the Commissioners conduct a work session and pass a resolution. Ms. Cooke stated the fiscal note released stated this Bill will add \$3,000,000.00 to the State General Fund. Commissioner Moreno commended Chair Kirkmeyer, Commissioner James and Commissioner Freeman for speaking on behalf of the other Commissioners. for representing the Board. Commissioner James stated he feels the Governor is either ignorant or disingenuous. Chair Kirkmeyer stated the Bill sponsor is a resident from Boulder County and misinformed the assembly that they held an extensive stakeholder meeting. She clarified Weld County, the largest energy producing County in Colorado, was not contacted, nor will any of the other large oil producing Counties in the State.


BIDS:


 1) BID #B1900028 (NO BID RECEIVED), RECYCLED ASPHALT – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, stated staff would like to continue this matter indefinitely to try and find a supplier for the recycled asphalt. Commissioner Conway moved to continue said matter. Seconded by Commissioner Freeman, the motion carried unanimously.


 2) PRESENT BID #B1900052, JAIL INMATE STORAGE – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on March 20, 2019.


 3) PRESENT BID #B1900053, CUSTODIAL SERVICES (NORTH BUSINESS PARK) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the four (4) bids received and stated staff will bring back a recommendation on March 20, 2019.


 4) PRESENT BID #B1900060, JAIL-LOCKER ROOM RENOVATIONS – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the five (5) bids received and stated staff will bring back a recommendation on March 20, 2019.


 5) PRESENT BID #B1900035, ENFORCEMENT SERVICES (MOWING AND/OR SPRAYING) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the eight (8) bids received and stated staff will bring back a recommendation on March 20, 2019.


 6) PRESENT BID #B1900042, CNG 1/2-TON, FULL SIZE PICKUPS (QTY. 3) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on March 20, 2019.


 7) PRESENT BID #B1900043, CNG 1/2-TON, FULL SIZE PICKUP – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on March 20, 2019.


 8) PRESENT BID #B1900044, CNG 3/4-TON, FULL SIZE PICKUP – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on March 20, 2019.


 9) PRESENT BID #B1900045, CNG 3/4-TON, FULL SIZE PICKUPS (QTY. 2) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on March 20, 2019.

 10) PRESENT BID #B1900046, CNG 3/4-TON, FULL SIZE PICKUP – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on March 20, 2019.


 11) PRESENT BID #B1900047, CNG/LNG CONVERSIONS TANDEM AXLE TRUCKS (QTY. 5) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated no bids were received and stated staff will bring back a recommendation on March 20, 2019.

 12) PRESENT BID #B1900048, CNG 3/4-TON PICKUP (TOWN OF GILCREST) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on March 20, 2019.


 13) PRESENT BID #B1900049, CNG 3/4-TON FULL SIZE PICKUPS (QTY. 2) (CITY OF FORT LUPTON) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on March 20, 2019.


 14) PRESENT BID #B1900050, CNG/LNG TRUCK PICKUP (CITY OF FORT LUPTON) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on March 20, 2019. Barb Connolly, Controller, stated staff will review each for State pricing of the vehicles when making final decisions.


NEW BUSINESS:


 2) CONSIDER STANDARD FORM FOR MEMORANDUM OF UNDERSTANDING REGARDING PROTOCOLS FOR COOPERATION ON CHILD WELFARE NOTIFICATION AND INVESTIGATION REQUIREMENTS BETWEEN THE WELD COUNTY DEPARTMENT OF HUMAN SERVICES AND VARIOUS LAW ENFORCEMENT AGENCIES AND AUTHORIZE CHAIR TO SIGN ANY MOU CONSISTENT WITH SAID FORM: Karin McDougal, Assistant County Attorney, presented the updated template to be used between the Department of Human Services and law enforcement for Child Welfare


investigations. Commissioner Freeman moved to approve said memorandum of understanding and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.


 3) CONSIDER CONTRACT ID #2369 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – DAWN KLAUS: Ms. McDougal presented the details of the agreement for Dawn Klaus to provide respite care services not to exceed sixteen (16) hours in a month. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Moreno, carried unanimously.


 4) CONSIDER CONTRACT ID #2378 AGREEMENT FOR PROFESSIONAL SERVICES FOR CHILD WELFARE AND AUTHORIZE CHAIR TO SIGN – DIANE BAIRD, LCSW: Ms. McDougal reviewed the terms of the agreement for Diane Baird to provide professional, education, training, and consultation services at \$100.00 per hour. Commissioner James moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.




 5) CONSIDER CONTRACT ID #2385 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – SHAWN AND ANGELA SHULTZABERGER: Ms. McDougal presented the agreement for purchase of foster care services in a foster care home. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.


 6) CONSIDER CONTRACT ID #2386 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JOEL AND KIRA THORMAN: Ms. McDougal reviewed the terms of the agreement for the purchase of foster care services in a foster care home. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 7) CONSIDER CONTRACT ID #2412 EXPENDITURE AUTHORIZATION FOR VETERANS SERVICE TO CAREER PROGRAM (VSCP) AND AUTHORIZE CHAIR TO SIGN: Ms. McDougal presented the expenditure authorization to provide funds for the Veterans' Service to Career Program. Commissioner Moreno moved to approve said expenditure authorization and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 8) CONSIDER CONTRACT ID #2414 EXPENDITURE AUTHORIZATION FOR GOVERNOR'S SUMMER JOB HUNT PROGRAM (GSJH) AND AUTHORIZE CHAIR TO SIGN: Ms. McDougal presented the details of the expenditure authorization for the amount of \$40,000.00. Commissioner James moved to approve said expenditure authorization and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 9) CONSIDER CONTRACT ID #2472 AMERICORPS EDUCATION AWARD SERVICE LOCATION AGREEMENT AND AUTHORIZE DIRECTOR OF HUMAN SERVICES TO SIGN – COLORADO YOUTH CORPS ASSOCIATION: Ms. McDougal presented the agreement to allow Weld County to enroll 42 AmeriCorps members, ages 17 to 24, to serve specific terms of service. Commissioner James moved to approve said agreement and authorize the Director of Human Services to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 10) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF CR 69 – WELLS RANCH, LLLP, C/O STEVE WELLS, AND BENJAMIN D. BROWN TRUST, C/O BENJAMIN BROWN: Bob Choate, Assistant County Attorney, presented the petition to vacate a portion of County Road 69 between County Roads 74 and 68. He stated it is a maintained road that is difficult to maintain. Mr. Choate stated the legal description in the Resolution will need to be corrected, presented a photo to show the effected County's rights-of-way, and stated there are no concerns from any of the referrals. He stated there have been multiple vacations in this area; however, the Department of Public Works does not have any concerns with the vacation of the road, because it will become a private road. In response to Chair Kirkmeyer, Mr. Choate explained he will research the exemption of Weld County's mineral rights on the 23 acres.  Ben Brown, petitioner, stated he is in favor of the vacation. He stated it will help the County in the future.  Josh Wells, petitioner, stated the road is bad shape and the fences are falling and there is no purpose for the road.


 Commissioner Conway moved to amend the legal description in the second Whereas of Resolution. The motion was seconded by Commissioner Moreno, and it carried unanimously. Commissioner Conway moved to vacate a portion of County Road 69 as described in the amended Resolution. Seconded by Commissioner Moreno, the motion carried unanimously. Mr. Choate stated the resolution does retain the mineral interests for the County.


 11) CONSIDER CONTRACT ID #2474 AMENDMENT TO REGIONAL COMMUNICATIONS USER AGREEMENT FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – TOWN OF SEVERANCE POLICE DEPARTMENT: Mike Wallace, Director of the Department of Public Safety Communications, presented the terms for the wireless radio services and annual maintenance for the Town of Severance Police Department. Commissioner Conway moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.


 12) CONSIDER APPLICATION FOR SUPPLEMENTAL REIMBURSEMENT FOR PETROLEUM STORAGE TANK REMEDIATION AND AUTHORIZE CHAIR TO SIGN: Toby Taylor, Director of the Department of Buildings and Grounds, reviewed the application for supplemental reimbursement of \$8,513.34 to be used for remediation activities. Commissioner Freeman moved to approve said application and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.

 13) CONSIDER AGREEMENT FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES AND AUTHORIZE CHAIR TO SIGN – AETNA BEHAVIORAL HEALTH, LLC: Ms. McDougal presented the terms of the agreement for the Employee Assistance Program Services with Aetna Behavioral Health, LLC. She stated it increases the visits for employees to six (6) per year. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 14) CONSIDER INSTALLATION OF TRAFFIC REGULATORY SIGNS ON CR 52 (49TH STREET) BETWEEN TWO RIVERS PARKWAY AND CR 29.5 (65TH AVENUE): Cameron Parrott, Department of Public Works, presented the request to install 45 mile per hour speed limit signs along County Road 52 between Two Rivers Parkway and County Road 29.5 (65th Avenue). Mr. Parrott stated after visiting the site it does meet the requirements for the 45 mph speed limit signs. Commissioner James moved to approve said installation of traffic regulatory signs. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 15) CONSIDER INSTALLATION OF TRAFFIC CONTROL DEVICES SOUTH OF STATE HIGHWAY 119 AT CR 7.5: Mr. Parrott reviewed the details for the need to install “No Parking” signs south of State Highway 119 at County Road 7.5. He stated it will improve safety for the public and law enforcement. Commissioner Conway moved to approve said installation of traffic control devices. Seconded by Commissioner Moreno, the motion carried unanimously.

 16) CONSIDER TEMPORARY CLOSURE OF CR 74 BETWEEN CRS 39 AND 41: Amy Mutchie, Department of Public Works, presented the temporary closure beginning March 11, 2019, through March 15, 2019, for a culvert replacement. She explained magnesium chloride will be used for dust abatement. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Conway, and it carried unanimously.

 17) CONSIDER TEMPORARY CLOSURE OF CR 35 BETWEEN CRS 70 AND 72: Ms. Mutchie presented the temporary closure beginning March 11, 2019, through March 15, 2019, for a culvert replacement. She stated water will be used for dust abatement. Commissioner James moved to approve said temporary closure. Seconded by Commissioner Conway, the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 10:42 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 MARCH 11, 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, March 11, 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 March 6, 2019, as printed. Commissioner James seconded the motion, and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on March 6, 2019, as follows: 1) USR18-0115 – Kauffman Brothers Limited Partnership, c/o Cureton Midstream, LLC, 2) USR18-0114 – Black Mountain Land Company, LP, c/o Cureton Midstream, LLC, 3) USR18-0095 – Front Range Dairy, LLC, and 4) USR18-0001 – WETCO Farms, Inc., c/o Brett Bloom. 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.


PRESENTATIONS:


 1) RECOGNITION OF SERVICES, DEPARTMENT OF HUMAN SERVICES – GERALDINE ROMERO: Chair Kirkmeyer stated she will use Chair's prerogative to continue this presentation to March 13, 2019, because the recipient is unable to attend today's meeting.


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


BIDS:

 1) APPROVE BID #B1900054, CONCRETE, WASHED ROCK, AND SQUEEGEE – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the bids received and stated staff recommends continuing this matter, so staff will have additional time to review the bids. Commissioner Conway moved to continue said matter to March 18, 2019. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) APPROVE BID #B1900056, STEEL BID – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated staff recommends awarding to the bidders, as recommended in the bid tabulation and staff memorandum. Commissioner Moreno moved to approve said bid as recommended by staff. Seconded by Commissioner Freeman, the motion carried unanimously.


 3) PRESENT BID #B1900059, PLANNING AND HEALTH DEPARTMENT BUILDING-ROOF REPLACEMENT – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the twelve (12) bids received and stated staff will bring back a recommendation on March 25, 2019.


 4) PRESENT BID #B1900029, REINFORCED BOX CULVERTS – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff will bring back a recommendation on March 25, 2019.


 5) REJECT BID #B1900026, DUST PALLIATIVE SUPPLY – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff recommends all bids be rejected, because the original bid was posted with incomplete specifications. Bruce Juelfs, representative of GMCO Corporation, requested clarification and an explanation as to why staff decided to reject all bids. Bruce Barker, County Attorney, stated it is up to the Department of Purchasing how the bids are handled, if the department believes there is a lack of information. Barb Connolly, Controller, stated the Department of Public Works did not clearly specify in the documents the other materials needed. Curtis Hall, Department of Public Works, stated the bid is split with Envirotech Services, for durablend and basebind product. Staff decided to have separate bids because magnesium chloride was not listed in the original bid. Mr. Juelfs requested amending the bid. Mr. Barker explained the bids will need to be rejected and the process started over. Commissioner Freeman moved to reject said bid. Seconded by Commissioner James, the motion carried unanimously.

NEW BUSINESS:


 1) CONSIDER CERTIFICATION OF THE NEED FOR THE PROVISION OF HEALTH CARE SERVICES WITHIN WELD COUNTY: Mr. Barker stated there is a requirement in State Statute if a health care provider or hospital is providing services to a new facility, they will need to get a certification from Weld County to receive tax exempt status. Commissioner Freeman moved to approve said certification. Seconded by Commissioner Conway, the motion carried unanimously.

 2) CONSIDER TEMPORARY CLOSURE OF BALSAM AVENUE BETWEEN EAST 18TH STREET AND EAST 20TH STREET: Amy Mutchie, Department of Public Works, presented the closure beginning March 11, 2019, through March 22, 2019, to install water services and a sanitary sewer system for the Go Green Pallet facility. Commissioner Moreno moved to approve said temporary closure. The motion was seconded by Commissioner Conway, and it carried unanimously.

 3) CONSIDER TEMPORARY CLOSURE OF CR 29 BETWEEN CRS 88 AND 90: Ms. Mutchie presented the closure beginning March 18, 2019, through April 12, 2019, for a bridge replacement. She stated mainly water will be used for dust abatement; however, magnesium chloride will be used in front of the homes, as necessary. Commissioner James moved to approve said temporary closure. The motion was seconded by Commissioner Moreno, and it carried unanimously. In response to Commissioner Moreno, Ms. Mutchie confirmed this will include a full closure within a mile of the bridge and a full detour route. She further stated other closures along CR 29 will be presented to the Commissioners one month at a time.

 4) CONSIDER TEMPORARY CLOSURE OF CR 35 BETWEEN CR 70 AND STATE HIGHWAY 392: Ms. Mutchie presented the closure beginning March 18, 2019, through March 22, 2019, to replace a drainage culvert and stated water will be used for dust abatement, as needed. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner James, and it carried unanimously.

PLANNING:

 1) CONSIDER PROBABLE CAUSE HEARING, PCSC18-0015, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR-512 – JEFFERY CARTWRIGHT: Angela Snyder, Department of Planning Services, reviewed the property located at 3159 Highway 52, Erie, Colorado 80516, and stated approximately one (1) acre is not in compliance with USR-512, for storage of farm equipment and miscellaneous agricultural products. She stated the property is being used as a vehicle repair and retail establishment, which is a violation of the USR. She confirmed during a site visit on March 9, 2019, the “for sale” vehicles have been removed from the property and it is now in compliance with the USR; therefore, she recommends dismissing the Probable Cause and not scheduling a Show Cause hearing neither the property owner, nor his representative were present at the hearing. No public input was offered concerning this matter. Commissioner Conway moved to dismiss the Probable Cause hearing. Seconded by Commissioner Moreno, the motion carried unanimously. Commissioner Moreno stated it is important for property owners to attend the Commissioners hearing.

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 9:20 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 MARCH 13, 2019


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 **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 March 11, 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 11, 2019, as follows: 1) USR18-0106 – Gary Howard, John and Diana Howard, and D&C Farms, LLLP, c/o Rocky Mountain Midstream, LLC. Commissioner James 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 James seconded the motion, and it carried unanimously.


PRESENTATIONS:


 1) RECOGNITION OF SERVICES, DEPARTMENT OF HUMAN SERVICES – GERALDINE ROMERO (*CONT'D FROM 3/11/2019*): Chair Kirkmeyer read the certificate for the record recognizing Ms. Romero for her dedicated service. Judy Griego, Director of the Department of Human Services, stated she will be greatly missed and then recounted a story of how Ms. Romero helped others during the 2013 Flood when she too was a victim of the flood. Jamie Ulrich, Deputy Director of the Department of Human Services, stated she is proud of Ms. Romero's work with Weld County's homeless population and she congratulated Ms. Romero on her retirement. Julie Witkowski, Department of Human Services,


stated she is also proud of Ms. Romero's accomplishments. Ms. Romero expressed her excitement for the future, stated she will miss Weld County, and introduced her family. Each Commissioner, in turn, thanked Ms. Romero for her service to Weld County citizens. Commissioner Conway stated she assisted people with care and compassion while she herself was a victim of the flood. The Commissioners invited her to serve on one of the many Boards and Commissions. Chair Kirkmeyer thanked Ms. Romero's family for the sacrifices made to support her in her work with the County. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, stated he supports the Commissioners' decision to make Weld County a Second Amendment Sanctuary County and he inquired about the oil and gas bill. He expressed the need to have Weld County citizens' rights protected.  Chair Kirkmeyer stated the Commissioners believe the Red Flag Bill to be unconstitutional and thereby going against their oaths of office to uphold the constitution. She stated the oil and gas bill is another example of government overreach, but believes this bill is not unconstitutional. Commissioner Conway stated if the oil and gas bill is passed, there will be potential for litigation and he assured the public the Board is getting ready to protect Weld County's economy if the bill passes. Commissioner Moreno concurred with the comments made and stated this is an attack on Weld County, as well as Colorado's economy; therefore, all five (5) Commissioners will stay engaged during the process.

BIDS:


 1) APPROVE BID #B1900025, CHILD WELFARE-VARIOUS SERVICES – DEPARTMENT OF HUMAN SERVICES: Rob Turf, Department of Purchasing, reviewed the sixty-eight (68) bids received and recommended continuing this matter to March 20, 2019, so staff has time to research all the bids. Commissioner Freeman moved to continue said bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 2) APPROVE BID #B1900051, SOUTHWEST SERVICE CENTER BOOKING REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the eight (8) bids received and stated staff recommends awarding to the second low bidder, meeting specifications, American Construction Services, LLC, for the total amount of \$406,600.00. Commissioner Moreno moved to approve said second low bid. Seconded by Commissioner James, the motion carried unanimously. In response to Commissioner Conway, Toby Taylor, Director of the Department of Buildings and Grounds, explained the low bidder could not provide evidence of the qualifications needed to complete the project.

 3) APPROVE BID #B1900062, CUSTODIAL SUPPLIES – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the bids received and stated staff recommends awarding to the bidders as detailed in the spreadsheet. Commissioner Conway moved to approve said bid as recommended by staff. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 4) PRESENT BID #B1900037, MATERIAL CRUSHING – DEPARTMENT OF PUBLIC WORKS: Mr. Turf presented the three (3) bids received and stated staff will bring back a recommendation on March 27, 2019.


OLD BUSINESS:


 1) CONSIDER CONTRACT ID #2342 AGREEMENT FOR PROFESSIONAL SERVICES (CHILD SPECIFIC) AND AUTHORIZE CHAIR TO SIGN – MAPLE STAR COLORADO *(CONT'D FROM 2/27/2019)*: Jamie Ulrich, Deputy Director of the Department of Human Services, presented the child specific agreement and explained the Department of Human Services can only provide the base rate through the regular contract for this medically fragile child who requires care 24 hours a day, 7 days a


week, they needed to increase the rate to an additional \$65.03 per day through this agreement. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

NEW BUSINESS:

 1) CONSIDER CONTRACT ID #2498 TASK ORDER CONTRACT AMENDMENT #1 FOR IMMUNIZATION CORE SERVICES PROGRAM AND AUTHORIZE CHAIR TO SIGN: Dr. Mark Wallace, Director of the Department of Public Health and Environment, reviewed the terms of the amendment to allow for an additional \$17,442.00 in funding to cover core services. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) CONSIDER CONTRACT ID #2499 AMENDMENT #3 FOR TITLE X FAMILY PLANNING PROGRAM AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace stated this amendment will extend the existing contract for an additional six (6) months to allow the Title X program to operate through the end of 2019. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. The motion, which was seconded by Commissioner Moreno, carried unanimously.

 3) CONSIDER DESIGN-BUILD AMENDMENT FOR WELD JAIL 2 WEST EXPANSION (BID #B1800059) AND AUTHORIZE CHAIR TO SIGN – ROCHE CONSTRUCTORS, INC.: Mr. Taylor presented the Design-Build amendment for the amount of \$37,249,858.07. Commissioner James moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 4) CONSIDER CONTRACT ID #2500 AGREEMENT CONCERNING PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY FOR CERTAIN IMPROVEMENTS TO CR 49 AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – JOHN, JR. AND LOUISE SCHMIDT: Cameron Parrott, Department of Public Works, presented the agreement for the total amount of \$40,000.00. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign all necessary documents. The motion, which was seconded by Commissioner Freeman, 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 9:30 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 MARCH 18, 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, March 18, 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 March 13, 2019, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.


 **READ ORDINANCE BY AUDIO:** Commissioner Moreno moved to read Code Ordinance #2019-03 by audio. The motion was seconded by Commissioner Freeman and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on March 13, 2019, as follows: 1) USR18-0121 – Kevin and Kathryn Beiland, 2) USR18-0101 – Atilana Retana, and 3) USR18-0067 – Adam Hilton and Lashawna Laguardia Hilton. Commissioner James 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.


BIDS:

 1) APPROVE BID #B1900054, CONCRETE, WASHED ROCK AND SQUEEGEE – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the bids received and stated staff recommends awarding to the two (2) lowest bidders, J-2 Contracting and Martin Marietta, because to minimize trucking expenses, purchasing materials from both vendors is cost effective. Commissioner


Moreno moved to approve said bid as recommended by staff. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) PRESENT BID #B1900068, CENTENNIAL CENTER CORE DRILLING – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on April 1, 2019.


PUBLIC INPUT:


 Dr. Andres Guerrero, resident of Weld County, expressed his frustration regarding the amount of young people who have been killed in Weld County by law enforcement within the last twenty-five years. He made a plea to have it stopped.


NEW BUSINESS:

 1) CONSIDER APPLICATION FOR JUVENILE RESTORATIVE JUSTICE GRANT FOR FISCAL YEAR 2020 AND AUTHORIZE ELECTRONIC SUBMITTAL: Michael Rourke, District Attorney, presented the application to the State Restorative Justice Council to support the Youth Family Connections Restorative Justice program. In response to Commissioner Conway, Mr. Rourke explained restorative justice served 85 to 90 juveniles last year. It will allow the juvenile offender to sit with a restorative justice facilitator, or the victim of their crime. Kirsta Britton, District Attorney's Office, explained juveniles that go through the restorative justice program are less likely to offend in the future. Commissioner Conway moved to approve said application and authorize electronic submittal. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 2) CONSIDER RENEWAL APPLICATION FOR A FERMENTED MALT BEVERAGE ON-PREMISES (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – ANA M. LUCERO, DBA POLLO FELIZ: Bob Choate, Assistant County Attorney, reviewed the terms of the application for a liquor license. He stated there are no concerns from any of the referrals. Ana Lucero, applicant, stated she agrees with the recommendation and she is available to answer any questions. Commissioner Freeman moved to grant said liquor license and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.


 3) CONSIDER CONTRACT ID #2481 AGREEMENT FOR PROFESSIONAL SERVICES FOR HVAC CONTROLS UPGRADE (NORTH JAIL COMPLEX) AND AUTHORIZE CHAIR TO SIGN – SETPOINT SYSTEMS CORPORATION: Toby Taylor, Director of the Department of Buildings and Grounds, presented the terms of the agreement for the amount of \$102,009.00, to upgrade the existing HVAC Controls at the North Jail Complex. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.


 4) CONSIDER CONTRACT ID #2482 AGREEMENT FOR PROFESSIONAL SERVICES FOR HVAC CONTROLS UPGRADE (PUBLIC HEALTH BUILDING) AND AUTHORIZE CHAIR TO SIGN – SETPOINT SYSTEMS CORPORATION: Mr. Taylor reviewed the details of the agreement to upgrade the HVAC Controls at the Public Health Building for the total amount of \$127,512.00. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.


 5) CONSIDER CONTRACT ID #2484 AGREEMENT FOR PROFESSIONAL SERVICES FOR HVAC CONTROLS UPGRADE (PUBLIC WORKS BUILDING) AND AUTHORIZE CHAIR TO SIGN – SETPOINT SYSTEMS CORPORATION: Mr. Taylor presented the agreement to upgrade the HVAC

Controls for the Public Works Building for the total amount of \$80,933.00. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

 6) CONSIDER TEMPORARY CLOSURE OF CR 19 BETWEEN CRS 18 AND 20: Amy Mutchie, Department of Public Works, presented the temporary closure beginning March 25, 2019, through April 5, 2019, to replace the drainage culvert. She stated the closure is for a longer period of time because the culvert being installed is 48 inches. She also explained the gravel roads on the detour route are already treated with magnesium chloride. Commissioner James moved to approve said closure. Seconded by Commissioner Moreno, the motion carried unanimously.

 7) CONSIDER TEMPORARY CLOSURE OF CR 35 BETWEEN CRS 72 AND 74: Ms. Mutchie presented the temporary closure beginning March 19, 2019, through March 22, 2019, for a culvert replacement and stated water will be used for dust abatement on the gravel road of the detour route. Commissioner Freeman moved to approve said closure. The motion was seconded by Commissioner Conway, and it carried unanimously.

 8) SECOND 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*) - (*CONT'D FROM 3/18/2019*): Commissioner Moreno moved to read Code Ordinance #2019-01 by title only. The motion was seconded by Commissioner Freeman, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Mr. Barker stated Section 2-1-200 was added regarding attendance at the Board's regular and special meetings. He reported this proposed change was published on March 6, 2019, in the Greeley Tribune. In response to Commissioner Conway, Mr. Barker explained there is no enforcement provision, but is the standard the Board is setting. He further stated the Charter gives the Board authority to set its' own rules and regulations regarding attendance and conduct at hearings. No public testimony was offered concerning this matter. Chair Kirkmeyer clarified the Commissioners are not supervised by the County Council, and this allows the Board to set their own attendance requirements. Commissioner Conway stated he doesn't have a problem with being held accountable. Commissioner Moreno moved to approve Code Ordinance #2019-01 on Second Reading. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 9) FIRST 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*): Mr. Barker stated the Board wants to repeal the requirements for temporary assemblage permits and the fee that is charged. He stated the temporary assembly permit uses are usually covered under USRs or any land use contexts. He explained there will be better language in the USR to define the requirements to host horse racing events. Chair Kirkmeyer clarified if there are any temporary assemblages in process, they will be addressed under the old Code. In response to Commissioner Conway, Mr. Barker stated any potential violations are referred to the Department of Planning Services. Mr. Barker explained there are USRs that require a temporary assemblage permit; for example, the motocross event hosted by the Leahy's. No public testimony was offered concerning this matter. Chair Kirkmeyer clarified a property owner should be allowed to host 350 people and holding a party on your personal property should not need a temporary assemblage permit. Commissioner Freeman stated law enforcement will check on the compliant whether there is a temporary assembly permit or a USR. Mr. Barker stated it would be a determination by the Department of Planning Services if any violations exist. Chair Kirkmeyer confirmed staff will investigate any complaint they receive. Commissioner Moreno confirmed this could be confusing to staff. Commissioner James stated it is the right of the property owner

to use their land as they see fit and believes this will strengthen the property owners' rights. Commissioner Freeman moved to approve Code Ordinance #2019-03 on First Reading. The motion, which was seconded by Commissioner James, carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:41 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

EXCUSED DATE OF APPROVAL
Mike Freeman, Pro-Tem

Sean P. Conway

Scott K. James


Steve Moreno

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MARCH 20, 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, March 20, 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 - EXCUSED
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 James moved to approve the minutes of the Board of County Commissioners meeting of March 18, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner Moreno moved to approve the Certification of Hearings conducted on March 18, 2019, as follows: 1) USR18-0102 – English Feedlot 2, 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 Moreno seconded the motion, and it carried unanimously.


 **PUBLIC INPUT:** Commissioner Conway extended his appreciation to the Department of Public Works for clearing the roads during the blizzard and keeping the roads maintained and safe for Weld County residents.


BIDS:


 1) APPROVE BID #B1900025, CHILD WELFARE-VARIOUS SERVICES – DEPARTMENT OF HUMAN SERVICES (*CONT'D FROM 3/13/2019*): Rob Turf, Department of Purchasing, reviewed the sixty-eight (68) bids received and stated staff recommends awarding to the bidders, as described in the


attached memorandum. Commissioner Conway moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.


 2) APPROVE BID #B1900052, JAIL INMATE STORAGE – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the three (3) bids received and stated staff recommends awarding to the second low bidder, AADS Office Solutions, for the amount of \$85,594.00. Toby Taylor, Director of Buildings and Grounds, stated AADS Office Solutions' first proposal was for a minimal solution and the second proposal will add enough storage to maximize the space through the next phase of the jail. Commissioner James moved to approve said second low bid. Seconded by Commissioner Moreno, the motion carried unanimously.


 3) APPROVE BID #B1900053, CUSTODIAL SERVICES (NORTH BUSINESS PARK) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the four (4) bids received and stated staff recommends awarding to the low bidder, OBands, for \$14,350.00 per month, with a 15% markup for consumables. Commissioner Conway moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.


 4) APPROVE BID #B1900060, JAIL-LOCKER ROOM RENOVATIONS – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the five (5) bids received and stated staff recommends awarding to the low bidder, TCC Corporation, for \$46,135.00. Commissioner Moreno moved to approve said bid. Seconded by Commissioner Conway, the motion carried unanimously.


 5) APPROVE BID #B1900035, ENFORCEMENT SERVICES (MOWING AND/OR SPRAYING) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the bids received and stated staff recommends awarding the bid as indicated on staff's memorandum. Commissioner James moved to approve said bid based on staff recommendations. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 6) APPROVE BID #B1900042, CNG 1/2-TON, FULL SIZE PICKUPS (QTY. 3) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the bids received and stated staff recommends awarding to Spradley Barr Ford for the total amount of \$143,961.00. Commissioner Conway moved to approve said low bid. Seconded by Commissioner Moreno, the motion carried unanimously.


 7) APPROVE BID #B1900043, CNG 1/2-TON, FULL SIZE PICKUP – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the bids received and stated staff recommends awarding to the low bidder, Spradley Barr Ford, for the total amount of \$45,397.00. Commissioner Moreno moved to approve said low bid. The motion, which was seconded by Commissioner James, carried unanimously.


 8) APPROVE BID #B1900044, CNG 3/4-TON, FULL SIZE PICKUP – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the bids received and stated staff recommends awarding to the lowest bidder meeting specifications, Spradley Barr Ford, for the total amount of \$48,751.00. Commissioner James moved to approve said second low bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 9) APPROVE BID #B1900045, CNG 3/4-TON, FULL SIZE PICKUPS (QTY. 2) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the bids received and stated staff recommends awarding to the low bidder, Spradley Barr Ford, for the total amount of \$88,732.00. Commissioner James moved to approve said low bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.


 10) APPROVE BID #B1900046, CNG 3/4-TON, FULL SIZE PICKUP – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the bids received and stated staff recommends awarding to the low bidder, Spradley Barr Ford, for the total amount of \$47,276.00. Commissioner Conway moved to approve said low bid. Seconded by Commissioner James, the motion carried unanimously.

 11) APPROVE BID #B1900047, CNG/LNG CONVERSIONS TANDEM AXLE TRUCKS (QTY. 5) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated no bids were received and the grant money will be returned. David Springer, Fleet Services, stated there is not a company that is EPA certified, who is qualified to do the conversion. Elizabeth Relford, Department of Public Works, stated the company that used to do the conversion for the County is no longer in business and the funds will be returned to CMAQ for the Upper Front Range. Bruce Barker, County Attorney, confirmed no action by the Board is necessary.


 12) APPROVE BID #B1900048, CNG 3/4-TON PICKUP (TOWN OF GILCREST) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated the Town of Gilcrest recommends awarding to Spradley Barr Ford. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Conway, and it carried unanimously.


 13) APPROVE BID #B1900049, CNG 3/4-TON FULL SIZE PICKUPS (QTY. 2) (CITY OF FORT LUPTON) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated the City of Fort Lupton recommends awarding the bid to Rush Truck Centers of Colorado. Commissioner Conway moved to approve said bid. Seconded by Commissioner Moreno, the motion carried unanimously.


 14) APPROVE BID #B1900050, CNG/LNG TRUCK PICKUP (CITY OF FORT LUPTON) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated the City of Fort Lupton recommends awarding to the low bidder, Spradley Barr Ford. Commissioner James moved to approve said bid. Seconded by Commissioner Moreno, the motion carried unanimously.

 Commissioner Conway thanked Ms. Relford for her hard work and obtaining the Buy America Waivers.


NEW BUSINESS:


 1) CONSIDER CONTRACT ID #2411 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – JOEL AND KIRA THORMAN: Karin McDougal, Assistant County Attorney, presented the agreement for Joel and Kira Thorman to provide respite services at the rate of \$16.75 per four (4) hour period, which may not exceed 16 hours a month. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.


 2) CONSIDER CONTRACT ID #2436 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – JEREMY AND MELISSA DESWARTE: Ms. McDougal presented the terms of the contract for the purchase of a foster care services, in a home which is located in Wisconsin. Commissioner James moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.


 3) CONSIDER CONTRACT ID #2465 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – LEILANI BISHOP AND ROBERT MATHIES: Ms. McDougal reviewed the terms for the purchase of foster care

services, in a home located in Johnstown. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.

 4) CONSIDER CONTRACT ID #2467 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – TREVOR AND ANGELA JOHNSON: Ms. McDougal presented the agreement for foster care services, in a home which is located in Greeley. Commissioner James moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 5) CONSIDER CONTRACT ID #2476 BUSINESS ASSOCIATE AGREEMENT AND AUTHORIZE CHAIR TO SIGN – NORTHEAST HEALTH PARTNERS, LLC: Ms. McDougal presented the details of the agreement which is required to ensure compliance with HIPPA standards with regard to Protected Health Information that may be used, accessed, disclosed, received or created during the course of business with child welfare and a Medicaid provider. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

 6) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR FUEL PURCHASE AND AUTHORIZE CHAIR TO SIGN – FORT LUPTON FIRE PROTECTION DISTRICT: David Springer, Director of the Department of Fleet Services, presented the terms of the agreement with the Fort Lupton Fire Protection District to allow them to use the Weld County Fort Lupton Fuel site. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously. In response to Chair Kirkmeyer, Mr. Barker stated the original agreement with the Town of Fort Lupton had redundant language, so this is a better agreement.

 ADMINISTRATIVE MATTER: Mr. Barker introduced Robin Cochran, Assistant County Attorney, to the Board and stated she will be working primarily with the Department of Human Services and on mental health cases. Each Commissioner, in turn, welcomed her to Weld County.

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 9:24 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

EXCUSED

Mike Freeman, Pro-Tem

Sean P. Conway

Scott K. James

Steve Moreno

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MARCH 25, 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, March 25, 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 March 20, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.


 **CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on March 20, 2019, as follows: 1) USR18-0123 – Duangchai Washburn, c/o Nexius Solutions, Inc., 2) USR18-0116 – Enerplus Resources (USA) Corporation, and 3) USR18-0120 – Bar Nine, LLC, c/o Greg Johnson. 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.


PRESENTATIONS:


 1) RECOGNITION OF GREELEY CENTRAL WRESTLER – ANDREW ALIREZ: Chair Kirkmeyer read the certificate recognizing Andrew Alirez for being Weld County's first Four-Time State Wrestling Champion. Each Commissioner, in turn, congratulated Mr. Alirez on his accomplishment and thanked him for being a role model for the citizens of Weld County. Chair Kirkmeyer commended his parents and grandparents for supporting his passion for wrestling. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*


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


BIDS:


 1) APPROVE BID #B1900059, PLANNING AND HEALTH BUILDING ROOF REPLACEMENT – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, reviewed the twelve (12) bids received and stated staff recommends awarding to the low bidder, ACC Roofing, Inc., for a total amount of \$175,000.00. Commissioner Freeman moved to approve said low bid. Seconded by Commissioner James, the motion carried unanimously.

 2) APPROVE BID #B1900029, REINFORCED BOX CULVERTS – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the three (3) bids received and stated staff recommends awarding to the low bidder, Lindsay Precast, Inc., for a total amount of \$252,252.00. Commissioner Moreno moved to approve said low bid. Seconded by Commissioner James, the motion carried unanimously.


 3) PRESENT BID #B1900057, AREA AGENCY ON AGING-SENIOR NUTRITION PROGRAM MEAL DELIVERY – DEPARTMENT OF HUMAN SERVICES: Mr. Turf reviewed the sole bid received and stated staff will bring back a recommendation on April 17, 2019.

 4) PRESENT BID #B1900058, AREA AGENCY ON AGING - OLDER AMERICANS ACT GRANT APPLICATION – DEPARTMENT OF HUMAN SERVICES: Mr. Turf reviewed the five (5) bids received and stated staff will bring back a recommendation on April 17, 2019.


 5) PRESENT BID #B1900063, DEWATERING DESIGN AND CONSTRUCTION SERVICES FOR CR 13 AND 34 – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the sole bid received and explained staff is researching whether the work should be done themselves; therefore, the approval date is pending. Commissioner Conway clarified this will be approved by the Board after staff decides to do the project in-house or award to the sole bidder.


 6) PRESENT BID #B1900075, HAZARDOUS MATERIALS TRANSPORTATION AND RESPONSE PLAN – OFFICE OF EMERGENCY MANAGEMENT: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on April 8, 2019.


NEW BUSINESS:


 1) CONSIDER REVISIONS TO BYLAWS FOR AREA AGENCY ON AGING ADVISORY BOARD: Lennie Bottorff, Department of Human Services, presented the revisions to the Bylaws for the Area Agency on Aging Advisory Board. Commissioner Moreno moved to approve said revisions to Bylaws. The motion was seconded by Commissioner Conway, and it carried unanimously.


(Clerk's Note: Chair Kirkmeyer moved to item #4 to allow Dr. Mark Wallace to be present.)


 4) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICES LICENSE AND AUTHORIZE CHAIR TO SIGN – PLATTEVILLE-GILCREST FIRE PROTECTION DISTRICT: Lance Homann, Emergency/Medical Trauma Service (EMTS) Council Chair, explained the application was reviewed by the EMTS Council on March 20, 2019, who after technical review recommends approval. Dan Durkee, District Chief of Platteville-Gilcrest Fire Protection District, stated it will be a great service to the community and to Weld County. Commissioner Conway moved to grant said application for a Tier I EMS License and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously. In response to Chair Kirkmeyer, Mr. Durkee stated they are pursuing the Energy Mineral Impact Grant.

 5) CONSIDER APPLICATION FOR TIER I EMERGENCY MEDICAL SERVICES LICENSE AND AUTHORIZE CHAIR TO SIGN – NORTH METRO FIRE RESCUE DISTRICT: Dr. Mark Wallace, Director of the Department of Public Health and Environment, stated the application was reviewed by the EMTS Council on March 20, 2019, who after technical review recommends approval. Mr. Homann stated there are no concerns with issuing the license. Ross Riley, representative of North Metro Fire Rescue District stated they will serve one-square mile of Weld County. Commissioner Freeman moved to grant said application for a Tier I EMS License and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously. Mr. Homann stated an application will be coming from Morgan County Ambulance, in late May, 2019. *(Clerk's Note: The Chair moved to item #2.)*

 2) CONSIDER CONTRACT ID #2491 FIRST AMENDMENT TO DIAGNOSTIC IMAGING SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – BANNER HEALTH, DBA NORTH COLORADO MEDICAL CENTER: Dr. Wallace presented the amendment and explained the services will include ultrasound imaging for pregnant mothers. He stated the Department of Public Health and Environment is striving to provide pregnant mothers with low-cost prenatal care. In response to Commissioner Conway, Dr. Wallace stated because of risk of contracting the Zika virus, they warn men and women of reproduction age to avoid international travel. Commissioner Moreno moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 3) CONSIDER CONTRACT ID #2519 TASK ORDER CONTRACT FOR WISEWOMAN PROGRAM UNDER THE WOMEN'S WELLNESS CONNECTION PROGRAM AND AUTHORIZE CHAIR TO SIGN: Dr. Wallace presented the terms of a task order for a program to identify women who have been left out of the screening process for chronic diseases, especially cardiovascular disease, and provide them with medical services, if needed. Commissioner Conway moved to approve said task order contract and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously. Chair Kirkmeyer thanked Dr. Wallace and Judy Griego, Director of the Department of Human Services for their work on the Collaborative Management program to reach the population who have trouble accessing medical screening and services. Dr. Wallace thanked Chair Kirkmeyer for her support and expressed his excitement about the potential of this program. Commissioner Conway congratulated Dr. Wallace on the well-attended and worthwhile event. *(Clerk's Note: The audio continues at item #6.)*


 6) CONSIDER RENEWAL APPLICATION FOR A BREW PUB (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – TAPPIST MUNKS, LLC, DBA OUTWORLD BREWING: Bob Choate, Assistant County Attorney, presented the renewal application for a brew pub and stated since there was a substantial change to the kitchen, the State Liquor Enforcement requires the facility to be inspected. He noted there are no concerns from the referrals. Brian Fuller, applicant, stated he anticipates opening the facility by the end of next month. Commissioner Freeman moved to grant said license and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.


 7) CONSIDER RENEWAL APPLICATION FOR A FERMENTED MALT BEVERAGE OFF-PREMISES (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – CARPCO, LLC, AND 7-ELEVEN, INC., DBA 7-ELEVEN STORE 39510A: Mr. Choate reviewed the details for the renewal application and noted there are no concerns from the referrals. Commissioner Moreno moved to grant said license and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.


 8) CONSIDER CONTRACT ID #2485 AGREEMENT FOR PROFESSIONAL SERVICES FOR TECHNICAL SUPPORT AND AUTHORIZE CHAIR TO SIGN – SETPOINT SYSTEMS CORPORATION:


Toby Taylor, Director of the Department of Buildings and Grounds, reviewed the terms of the agreement which supports hardware, firmware and software for the Delta Control systems. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.


 9) CONSIDER CONTRACT ID #2458 POSSESSION AND USE AGREEMENT FOR IMPROVEMENTS AT INTERSECTION OF COUNTY ROADS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN – NEW DAY/SUNRISE, LLC: Tiffane Johnson, Department of Public Works, presented the agreement for the total amount of \$31,400.00. She stated they are currently working with Brad Johnson, the property owner as he has been the most impacted by the intersection improvements. She explained DCP agreed to and relocated their pipeline prior to March 31, 2019. In response to Commissioner Conway, Ms. Johnson confirmed the agreement was executed on January 25, 2019. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 10) CONSIDER CONTRACT ID #2511 AGREEMENT FOR RELOCATION OF GAS PIPELINE FOR CR 13/34 INTERSECTION PROJECT AND AUTHORIZE CHAIR TO SIGN – PUBLIC SERVICE COMPANY OF COLORADO: Mike Bedell, Department of Public Works, stated this is related to the County Road 13/34 intersection project, which includes replacing two (2) bridges. He stated the majority of the work will be completed by Public Works staff. He explained the gas pipeline will need to be relocated to the south side of County Road 34. He stated staff will purchase new easements on behalf of the property owner. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Commissioner James seconded the motion, and it carried unanimously.

 11) CONSIDER TEMPORARY CLOSURE OF CR 70 BETWEEN CRS 49 AND 51: Amy Mutchie, Department of Public Works, presented the temporary closure beginning April 1, 2019, through April 5, 2019, to replace an irrigation culvert. She stated water will be used for dust control, as necessary. Commissioner Conway moved to approve said closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.


 12) CONSIDER TEMPORARY CLOSURE OF CR 29 BETWEEN STATE HIGHWAY 14 AND CR 90: Ms. Mutchie reviewed the terms of the temporary closure beginning March 25, 2019, through April 30, 2019, in order to complete the preliminary work in preparation for the paving project. Commissioner Moreno moved to approve said closure. Seconded by Commissioner James, the motion carried unanimously. Ms. Mutchie confirmed some Public Works' projects were impacted by the blizzard.

 13) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – EXTRACTION OIL AND GAS, INC. (SE1/4 NE1/4, S7, T5N, R65W): Bruce Barker, County Attorney, presented the terms of a one-time six (6) month extension of the Oil and Gas Lease for Extraction Oil and Gas, Inc., for the total amount of \$174.48. Commissioner Freeman moved to approve said extension of the Oil and Gas Lease. The motion was seconded by Commissioner Conway, and it carried unanimously.

 14) CONSIDER EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – EXTRACTION OIL AND GAS, INC. (SW1/4 NE1/4, S8, T5N, R65W): Mr. Barker reviewed the terms of a one-time six (6) month extension of the Oil and Gas Lease for Extraction Oil and Gas, Inc., for the total amount of \$58.44. He stated the Resolution needs to be changed to reflect the correct amount of the check. Jessica Reid, Deputy Clerk to the Board, clarified the Resolution is correct, and the company is sending a new check for the correct amount of \$17.48.

Commissioner Conway moved to approve said extension of Oil and Gas Lease. Seconded by Commissioner Moreno, the motion carried unanimously.

COMMISSIONERS REPORT:

 Commissioner Conway discussed the Town meeting that occurred with House Speaker Becker, and Rochelle Galindo, House District 50 representative, regarding Senate Bill 181. He stated there was a misrepresentation by Speaker Becker about the Weld County Commissioners agreed to cessation of forced pooling. He stated he wanted to state for the record the task the Commissioners were trying to accomplish. Commissioner Freeman stated Chris Woodruff, former Weld County Assessor, supported the assessment of the property tax at the wellhead. Chair Kirkmeyer reported that the Board was never in support of doing away with forced pooling, but there needs to be changes in forced pooling made to protect private property owners. She stated the forced pooling changes in Bill 181 only benefit one company to create a monopoly. Chair Kirkmeyer expressed her frustration regarding Speaker Becker not approaching a single County Commissioner or any other major County representing the largest energy suppliers in Colorado. Commissioner Conway also expressed his frustration about Speaker Becker misrepresenting that she spoke with and had been in negotiations with the Weld County Commissioners regarding Senate Bill 181. Chair Kirkmeyer stated she will present Speaker Becker with several amendments to SB-181.

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 10:02 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

Scott K. James


Steve Moreno

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MARCH 27, 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, March 27, 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 Moreno moved to approve the minutes of the Board of County Commissioners meeting of March 25, 2019, as printed. Commissioner James seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on March 25, 2019, as follows: 1) USR18-0102 – English Feedlot 2, LLC, and 2) USR18-0099 – Bonanza Creek Energy Operating Company, LLC, c/o DCP Operating Company, LP. Commissioner Conway seconded the motion, which carried unanimously.


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


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

 **PUBLIC INPUT:** Gale Gomez, resident of Eaton, stated she has been circulating a petition expressing frustration with the muddy and rough conditions of an unmaintained road. Chair Kirkmeyer explained there are a few County rights-of-way that are not maintained; however, the Board will work with the County Attorney and the Department of Public Works to research the situation. Commissioner Moreno stated Jay McDonald, Director of the Department of Public Works, has been researching this right-of-way and clarified it is a Great Western Trail and not a railroad right-of-way. Chair Kirkmeyer stated they will investigate this matter further.


 Bill Gillard, resident of Greeley, presented a misprint on the County budget under the Expenditures for 2017, and submitted it as Exhibit A. He also inquired about the language for the Public Input portion of the Agenda. Chair Kirkmeyer stated she will refer his questions about Public Input to the County Attorney, and stated she will have Don Warden, Director of the Finance and Administration review the budget.


BIDS:

 1) APPROVE BID #B1900037, MATERIAL CRUSHING – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the three (3) bids received and stated staff recommends awarding to Premier Earthworks and Infrastructure for the total amount of \$622,000.00, which is below budget. Commissioner Moreno moved to approve said low bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 2) PRESENT BID #B1900076, MEDIA CAMPAIGN – DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Mr. Turf reviewed the six (6) bids and stated staff will bring back a recommendation on April 10, 2019.


 3) PRESENT 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 stated staff will bring back a recommendation on April 10, 2019.

 4) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (SW1/4 SE1/4, S1, T7N, R63W – 40 ACRES): Barbara Connolly, Controller, stated no bids were received for items #4 through #9. Esther Gesick, Clerk to the Board, explained no action will need to be taken on the items. Christie Peters, Department of Purchasing, stated she received correspondence that the bidders did not want to proceed due to the uncertainty of the passing of SB-181.

 5) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (E1/2 NE1/4, NW1/4 NE1/4, S1, T7N, R63W – 120.23 ACRES): Chair Kirkmeyer stated no action is necessary.


 6) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (NW1/4, S13, T7N, R63W – 160 ACRES): Chair Kirkmeyer stated no action is necessary.

 7) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (NE1/4, S13, T7N, R63W – 160 ACRES): Chair Kirkmeyer stated no action necessary.

 8) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (S1/2 NW1/4, NE1/4 NW1/4, SW1/4 NE1/4, S13, T4N, R61W – 160 ACRES): Chair Kirkmeyer stated no action is necessary.


 9) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN (SW1/4, S24, T7N, R63W – 160 ACRES): Chair Kirkmeyer stated no action is necessary.


OLD BUSINESS:


 1) CONSIDER ACCEPTANCE OF ASSIGNMENT OF CONTRACT TO BUY AND SELL REAL ESTATE (1250 H STREET, GREELEY) AND AUTHORIZE CHAIR'S SIGNATURE ON ALL NECESSARY DOCUMENTS (*CONT'D FROM 2/27/2019*): Toby Taylor, Director of the Department of


Buildings and Grounds, presented the acceptance for purchase of the property located at 1250 H. Street, Greeley, in the amount of \$1,700,000.00. He stated the building will allow the County to meet future office spacing needs and a design plan will be submitted within the next few months. Commissioner Moreno moved to accept said contract to buy and sell real estate and authorize the Chair's signature on all necessary documents. The motion was seconded by Commissioner Freeman, and it carried unanimously. Commissioner Conway confirmed this was noticed and negotiations were started late in 2018, and it was budgeted.

NEW BUSINESS:

 1) CONSIDER CONTRACT ID #2450 MEMORANDUM OF UNDERSTANDING AND AUTHORIZE CHAIR TO SIGN – CAROL FREIMARK, ON BEHALF OF BAGS OF LOVE: Judy Griego, Director of the Department of Human Services, presented the memorandum of understanding to allow Bags of Love to provide age appropriate toys, handmade blankets and clothes to children that have been placed in foster homes. She stated Ms. Freimark has served Weld County for the last ten (10) years and now requires storage for the items. Commissioner Conway expressed his appreciation to the volunteers for their hard work. Commissioner Conway moved to approve said memorandum of understanding and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

 2) CONSIDER ADDITION TO SECTION 2.000 CHILD WELFARE OF THE DEPARTMENT OF HUMAN SERVICES POLICIES AND GUIDELINES MANUAL: Ms. Griego presented the addition to the policies and guidelines manual. Commissioner Freeman moved to approve said additions to Section 2.000. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 3) CONSIDER APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT FOR CRS 28 AND 41 IMPROVEMENTS (APRIL CYCLE-TIER I) AND AUTHORIZE ELECTRONIC SUBMITTAL: Stacey Swanson, Department of Public Works, reviewed the Department of Local Affairs (DOLA) Tier I, \$200,000.00 grant application for improvements to County Road (CR) 28 between CR 39 and CR 41 and to County Road 41 between CR 28 to CR 26 with full depth reclamation. She stated this project will begin in the Fall of 2019. Commissioner Conway moved to approve said application and authorize electronic submittal. Seconded by Commissioner James, the motion carried unanimously.



 4) CONSIDER APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT FOR CR 29 PAVING IMPROVEMENT PROJECT PHASE II (APRIL CYCLE-TIER II) AND AUTHORIZE ELECTRONIC SUBMITTAL: Ms. Swanson presented the application for a Tier II grant in the amount of \$1,000,000.00, for paving improvements to CR 29 between CR 90 and CR 100. Commissioner Conway submitted letters from residents, marked as Exhibit A, and stated he will be voting in opposition of this. Chair Kirkmeyer clarified the letters submitted as Exhibit A, are from residents who do not live on CR 29 and do not live in the improvement area. In response to Commissioner James, Elizabeth Relford, Department of Public Works stated CR 29 has been evaluated since 2015 and explained how the Department of Public Works must meet the thresholds of fugitive dust for 250 or more vehicle trips per day. She stated the Department of Public Works has been maintaining that stretch of road more often than in the past. Commissioner James clarified it makes economic sense to make improvements to this roadway. Ms. Relford confirmed they are doing improvements on the roadway but not widening it. Ms. Relford explained the average daily trips (ADT) on CR 29 has not been counted since 2012, and stated staff does traffic counts different on gravel roads than on paved roads. Ms. Relford reported the last traffic count was done in 2014, north of State Highway 14, which indicated 244 vehicles per day. In response to Commissioner Conway, Ms. Relford explained it is a gravel roadway from CR 100 to CR 80, and paved from CR 80 to State Highway 14. In response to Commissioner James, Ms. Relford confirmed there has been an increase in the number of Recorded Exemptions along this roadway. She

stated when maintenance must be modified it is an indication there is an increased use of the roadway. In response to Chair Kirkmeyer, Commissioner Conway stated he doesn't have another project to submit for the Energy Impact Assistance Fund (EIAF) Grant. He stated DOLA is looking at more renewable energy projects. Commissioner Moreno expressed his frustration with Commissioner Conway's interference with an application resulting in a loss of \$200,000.00, based on input from citizens who do not live along the CR 29 Corridor. Commissioner Moreno moved to approve said application and electronic submittal. The motion was seconded by Commissioner Freeman. Chair Kirkmeyer explained this has been part of the Capital Improvement Plan since 2015, which all five Commissioners have voted for. She stated the Energy and Mineral Impact Funds come from severance funds which are paid by the oil and gas industry. She stated she is disappointed that Weld County lost \$200,000.00 in grant funds, because of Commissioner Conway's interference and she reiterated the individuals who submitted letters in regard to the CR 29 project do not live in the CR 29 improvement area. In response to Chair Kirkmeyer, Commissioner Conway stated he did not have an alternate project for the Board to consider and Chair Kirkmeyer confirmed the deadline to submit a project is April 1, 2019. Upon a roll call vote, the motion passed four to one, with Commissioner Conway opposed.

PLANNING:

1) CONSIDER VACATION OF USE BY SPECIAL REVIEW PERMIT, USR-975 – HUNT WATER, LLC, C/O DAVID HUNT: Kim Ogle, Department of Planning Services, stated the applicant is requesting vacation of USR-975. Mr. Ogle explained the property owner has a land use application in process for a gravel mine and as a Condition of Approval, he is required to complete the vacation of the permitted use for a veterinarian facility. David Hunt, resident of Platteville, was present to answer questions. Commissioner Freeman moved to grant said vacation. The motion was seconded by Commissioner Conway, and it carried unanimously.

2) CONSIDER PROBABLE CAUSE HEARING, PCSC18-0022, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR-754 – KENNETH AND SANDRA BROOKER: Angela Snyder, Department of Planning Services, stated the property is out of compliance, because it is being used to store outdoor commercial waste and for a parking lot. She stated the owner sent photos that the waste has begun to be removed and she stated the waste is required to be removed on a weekly basis. She explained the steps staff has taken during site visits to assist the property owner with compliance of USR-754. Ms. Snyder stated the property owner is in violation of Development Standards #5 and #14 and she displayed photos showing the commercial trailers and commercial waste on the property. In response to Commissioner Conway, Ms. Snyder stated if the vehicles are kept within the USR boundary, the property owner would be in compliance with the USR. Kenneth Brooker, property owner, stated he contacted the owners of the commercial trailers and they should be removed soon, along with two (2) other vehicles. He reported he removed four trailers of scrap hoods and small dumpsters, which he does every fall, and he is in the process of building a fence to screen the junk and make his property look nice. Chair Kirkmeyer clarified this is a hearing to determine whether the sit in compliance. No public testimony was offered concerning this matter. In response to Chair Kirkmeyer, Mr. Brooker stated he would need a week to ten (10) days to remove the rest of the waste and to remove the commercial trailers by April 1, 2019. Mr. Brooker stated the four vehicles parked in the parking lot will be removed, within a week. Ms. Snyder stated Mr. Brooker would be in compliance if he removes the waste weekly. Chair Kirkmeyer explained the process for a Probable Cause hearing and suggested the property owner get in compliance before the end of April, 2019. In response to Commissioner Conway, Ms. Snyder stated there have been other complaints. Mr. Brooker stated the complaints were from the neighbor to the west, who he does not get along with. Commissioner Conway stated since there are other people involved it will be difficult for Mr. Brooker to achieve compliance.

 Chair Kirkmeyer explained the Probable Cause/Show Cause hearing process to Mr. Brooker and recommended he work with staff to get in compliance with his USR permit. If he is able to get into compliance by the Show Cause Hearing, the Board will dismiss the matter. Commissioner Conway presented concerns with Mr. Brooker being dependent on other people to resolve this Probable Cause. Chair Kirkmeyer stated as the holder of the USR permit, it is Mr. Brooker's responsibility to get into compliance. Commissioner Moreno moved to set a Show Cause Hearing for May 15, 2019, at 9:00 a.m. The motion was seconded by Commissioner James. Commissioner Conway explained the reason he is opposed to moving forward with a Show Cause hearing.  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 10:15 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 DATE OF APPROVAL
Scott K. James

Steve Moreno