

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MAY 1, 2019

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 1, 2019, at the hour of 9:00 a.m.

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

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

Also present:

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

 **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of April 29, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

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

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

PROCLAMATIONS:

 1) FOSTER CARE MONTH, DEPARTMENT OF HUMAN SERVICES – MAY, 2019: Chair Pro-Tem Freeman read the certificate for the record proclaiming May, 2019, as Foster Care Month expressing the Board's appreciation to Weld County foster and kinship caregivers, faith-based and community organizations and child welfare professionals. Jamie Ulrich, Deputy Director of the Department of Human Services, expressed her appreciation to the Board of County Commissioners for their support and recognition of Foster Care programs and then introduced two (2) Weld County foster care families.

 Christine Mann, Weld County foster parent, expressed her appreciation to the Department of Human Services for supporting her when she takes in children who need a safe and temporary family housing situation and for being available to offer assistance at any time. She explained she has been available for emergency placement of children and respite care for other families. She stated Foster Care Services has a far reaching effect on the entire County. Ms. Mann implored those in attendance to spend the month of May encouraging and offering support to foster families. Toy Edwards, Department of Human

Services, introduced herself and the Korby family.  Stephanie Korby, foster parent, expressed her appreciation to the Board and stated they currently have seven (7) children and she appreciates the support received from the Department of Human Services. Trent Korby, foster parent, expressed his appreciation to the County for the support received and stated it has been both very trying and rewarding period in his life. Commissioner James stated he and his wife were foster parents with the intention to adopt and he can't fathom how families take in a child and love them unconditionally, knowing that they will be returned to their families. Each Commissioner, in turn, thanked foster families for stepping up and taking the initiative to make a positive impact on children and their families. They also recognized the Department of Human Services for what they do to nurture and support foster families. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

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

BIDS:

 1) APPROVE BID #B1900084, COUNTY ROAD 15 TOWER UPGRADE – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, stated staff recommends awarding to the sole bidder, Classic Contractors, for the total amount of \$209,576.00. In response to Commissioner Conway, Mr. Turf stated the bid meets specifications. Toby Taylor, Director of the Department of Buildings and Grounds, stated this project was sent to bid twice and the first time, no bids were received. Commissioner Conway moved to approve said bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 2) APPROVE BID #B1900088, SIDE DUMP TRAILER – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the five (5) bids received and stated staff recommends awarding to the lowest bidder to meet specifications, Utility Trailer Sales of Colorado, for the total amount of \$47,995.00. Commissioner Moreno moved to approve said bid. Seconded by Commissioner James, the motion carried unanimously.

 3) APPROVE BID #B1900082, CISCO MAINTENANCE – DEPARTMENT OF INFORMATION TECHNOLOGY: Aleksei Churyk, Department of Information Technology, reviewed the eight (8) bids received and stated staff recommends awarding to the lowest bidder meeting specifications, Insight Public Sector, Inc., for the amount of \$178,619.96. Commissioner James moved to approve said low bid. Seconded by Commissioner Moreno, the motion carried unanimously.

 4) APPROVE BID #B1900091, NIGHT VISION AND ILLUMINATOR (QTY. 10) – SHERIFF'S OFFICE: Mr. Turf reviewed the six (6) bids received and stated staff recommends awarding to the low bidder, Mile High Shooting Accessories, for the total amount of \$49,130.00. Commissioner Moreno moved to approve said bid. Seconded by Commissioner Conway, the motion carried unanimously.

NEW BUSINESS:

 1) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR WELD COUNTY DRUG TASK FORCE AND AUTHORIZE CHAIR TO SIGN – GREELEY POLICE DEPARTMENT AND EVANS POLICE DEPARTMENT: Alan Caldwell, Sheriff's Office, presented the details of the intergovernmental agreement between Weld County, and the Cities of Evans and Greeley, for the future management of the Drug Task Force. He explained this will result in a distribution of the Federal Equitable Share Funds to Weld County to be used by law enforcement. Commissioner Conway moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

 2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBERS R8948732 AND R8948733 – PEAKVIEW TRAILS, LLLP: Brenda Dones, Assessor, explained the subject property is a four (4) story apartment complex for affordable senior housing. She discussed the Board needs to determine if the property is taxable or tax exempt, in accordance with Colorado Revised Statute §29-4-227. She explained since the Greeley Housing Authority has a .01% ownership interest in the property, it means the property is exempt and the entire property is rent restricted. Ms. Dones explained the property meets the requirements for tax exemption and staff is recommending approval of the abatement, which will result in a tax refund of \$12,701.97, for tax year 2018. Commissioner Moreno confirmed the property will be exempt, so there will be a refund of tax. Commissioner Conway confirmed the property is 100% rent restricted. Commissioner Conway moved to approve said petition for refund of taxes. The motion, which was seconded by Commissioner Moreno, carried unanimously. In response to Commissioner Conway, Ms. Dones stated this property is exempt until the property is sold.

 3) CONSIDER DIRECTING CLERK TO THE BOARD TO HAVE PUBLISHED A NOTICE OF INTENT TO DESIGNATE THE UNINCORPORATED AREA OF WELD COUNTY, COLORADO, AS A MINERAL (OIL AND GAS) RESOURCE AREA OF STATE INTEREST PURSUANT TO C.R.S. §24-65.1-202(1), AND SETTING OF A PUBLIC HEARING REGARDING SUCH DESIGNATION: Bruce Barker, County Attorney, explained Section 1 of SB-181 specifically repealed a section of the Colorado statute that prohibited local governments from designating oil and gas as an area of State Interest. Mr. Barker stated the general assembly, in 1974, felt it was important for there to be local control instead of State-driven control. He suggested the Board will need to have a designation hearing to designate the unincorporated areas of Weld County as a mineral resource area of State Interest for the purpose of oil and gas. He stated the hearing needs to be noticed to the public between 30 and 60 days prior to the hearing. He presented the Resolution setting the hearing for June 10, 2019 and directing the Clerk to the Board to publish the notice on May 8. He further explained the Board will look at regulations at that hearing and then, if approved, the process will be like a Code change and will need a three (3) reading process. Mr. Barker recommended the first reading be done immediately following the designation hearing on June 10, 2019. In response to Commissioner James, Tom Parko, Director of the Department of Planning Services, stated a luncheon meeting is scheduled with the Planning Commission regarding the designation changes, but will be an informational meeting only. Commissioner Moreno moved to direct that the Clerk to the Board publish the notice of hearing. The motion, which was seconded by Commissioner Conway, carried unanimously. Commissioner Conway announced the Board has just begun the process of giving Weld County local control which will allow the County to have input in regard to the oil and gas policies. He stated he is in support of the Resolution. Commissioner Moreno agreed with the comments made by Commissioner Conway. Chair Pro-Tem Freeman stated there needs to be a way to ensure certainty and stability in the industry.

 4) CONSIDER TEMPORARY CLOSURE OF CR 60.5 BETWEEN CRS 47 AND 49: Amy Mutchie, Department of Public Works, reviewed the details of the closure beginning May 13, 2019, through May 17, 2019, to replace a drainage culvert. She stated since the detour route is paved, no dust control is necessary. Commissioner Conway moved to approve said closure. The motion was seconded by Commissioner James, and it carried unanimously.

 5) CONSIDER TEMPORARY CLOSURE OF CEDAR AVENUE BETWEEN EAST 16TH STREET AND EAST 18TH STREET: Ms. Mutchie presented the closure beginning May 14, 2019, through May 17, 2019, to replace an irrigation culvert. She stated the detour route is paved. Commissioner James moved to approve said closure. The motion was seconded by Commissioner Moreno, and it carried unanimously.

PLANNING:

 1) CONSIDER RESUBDIVISION, RES19-0001, TO DIVIDE LOT 22 OF ENCHANTED HILLS SUBDIVISION INTO TWO RESIDENTIAL LOTS – WENDELL AND CHERYL WILTS: Michael Hall, Department of Planning Services, stated this will divide Lot 22 of the Enchanted Hills Subdivision into two (2) residential lots. There is a home located on proposed Lot 1, none on Lot 2, but both lots will include single-family residential homes. He displayed a presentation showing maps and photos of the parcel. He stated a letter from a surrounding property owner expressed concerns with the potential of low-income housing and lowering property values. He stated the Utility Board, on April 11, 2019, unanimously approved of the proposed easement layout. Mr. Hall confirmed there are no covenants or HomeOwners' Association. Mr. Hall stated the Town of Firestone is working with the applicant regarding accesses. In response to Commissioner Conway, Mr. Hall stated the horse shoe shaped driveway will need to be a shared access point for the new lot as requested by the Town of Firestone.  Wendell Wilts, applicant, stated he is working with the Town of Firestone to move the access point.  James Haughian, adjacent property owner, presented his concerns with dividing the property, and asked if it meets the setback requirements for oil and gas production. He stated his family has benefited financially from the active oil site. He believes the site will attract low-income housing in the future and ultimately will reduce the value of his property. He expressed his frustration with the lack of communication from the Wilt's family. Mr. Haughian pointed on the map where his property is located immediately to the south. Mr. Barker explained the State determines the setback requirements, but the County plans to challenge the setback. Mr. Haughian stated there are guarantees that he will continue to receive royalties from that well in the future. Mr. Hall confirmed there would be no impact to the mineral rights by the creation of a new lot. Commissioner Conway stated he agrees with the Department of Planning Services; however, the neighbor has concerns. Commissioner Moreno agreed with comments made with Commissioner Conway, and believed the applicants should have worked with the neighbors to address their concerns. Commissioner James expressed support of the request in accordance with the Code. Mr. Wilts confirmed he agrees with the conditions presented by the Department of Planning Services. Commissioner James moved to approve Resubdivision, RES19-0001. The motion was seconded by Commissioner Moreno, and it carried unanimously.

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

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

There being no further business, this meeting was adjourned at 10:06 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

EXCUSED

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 MAY 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, May 6, 2019, at the hour of 9:00 a.m.

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

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

Also present:

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

 **MINUTES:** Commissioner James moved to approve the minutes of the Board of County Commissioners meeting of May 1, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on May 1, 2019, as follows: 1) USR18-0124 – Veronica and Cameron Silbaugh, 2) USR19-0009 – Roundhouse Renewables, LLC, and 3) USR18-0123 – Duangchai Washburn, c/o Nexus Solutions, Inc. Commissioner Moreno seconded the motion, which carried unanimously.

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

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

PROCLAMATIONS:

 1) ROOSEVELT ROUGHRIDERS DAY – MONDAY, MAY 6, 2019: Chair Pro-Tem Freeman read the certificate for the record proclaiming Monday, May 6, 2019, as Roosevelt Roughriders Day. Autumn Hunt, head coach, explained the league competed in the Colorado Knowledge Bowl State Tournament on March 18, and 19, 2019, and finished first in their district. She stated she is very proud of the team. Callum Kelly, senior competitor and team captain, stated he is proud of his team and thanked the Commissioners for the recognition. *(Clerk's Note: Chair Pro-Tem Freeman used Chair prerogative to move this item to the end of the Agenda.)* Each of the Commissioners, in turn, stated they are proud of

the work and effort put forth by the the team and thanked them for representing the Town of Johnstown and Weld County well. Chair Pro-Tem Freeman thanked the team for being positive leaders of Weld County. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

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

BIDS:

 1) APPROVE BID #B1900080, PORTABLE CRUSHER AND CONTROL TRAILER – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Department of Purchasing, reviewed the three (3) bids received and stated staff recommends awarding to the low bidder who meets specifications, Power Motive Corporation, for the total amount of \$1,055,720.00. Commissioner Moreno moved to approve said low bidder. Seconded by Commissioner James, the motion carried unanimously.

 2) APPROVE BID #B1900087, WELD COUNTY JAIL 2-WEST MATERIALS TESTING SERVICES – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the three (3) bids received and stated staff recommends awarding to the low bidder, Ground Engineering Consultants, Inc., for the total amount of \$116,180.00. Commissioner Conway moved to approve said low bid. The motion was seconded by Commissioner James, and it carried unanimously.

 3) PRESENT BID #B1900089, HEALTH SERVICES (LOBBY RENOVATION) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the sole bid received and stated staff will bring back a recommendation on May 20, 2019.

 4) PRESENT BID #B1900090, HEALTH BUILDING LABORATORY HVAC UPGRADES – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on May 20, 2019.

NEW BUSINESS:

 1) CONSIDER CANCELLATION OF CERTAIN OUTSTANDING ACCOUNTS RECEIVABLE FOR THE WELD COUNTY TREASURER – PERSONAL PROPERTY, MOBILE HOMES, NATURAL RESOURCES, AND POSSESSORY INTEREST TAXES: John Lefebvre, Weld County Treasurer, presented the write-off list for accounts which are uncollectable for various reasons, in the total amount of \$44,000.00. Commissioner Moreno moved to approve said cancellation of certain outstanding accounts receivable. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) CONSIDER CONTRACT ID #2637 AGREEMENT FOR VACATING PORTIONS OF UTILITY EASEMENT FOR CR 13/34 INTERSECTION PROJECT AND AUTHORIZE CHAIR TO SIGN – CENTRAL WELD COUNTY WATER DISTRICT: Mike Bedell, Department of Public Works, presented the agreement with Central Weld County Water District (CWCWD) to protect the County's rights when having to move the waterline in the future. Commissioner Conway stated he agrees with the recommendation from the Department of Public Works recommendation and moved to approve said agreement and authorize the Chair Pro-Tem to sign. Seconded by Commissioner Moreno, the motion carried unanimously.

 3) CONSIDER SPECIFIC PERFORMANCE CONTRACT FOR WATER SHARES AND AUTHORIZE CHAIR TO SIGN – CENTRAL COLORADO WATER CONSERVANCY DISTRICT: Bruce Barker, County Attorney, stated this contract is to sell 28 shares of Fulton Irrigation Company shares and two shares of Fulton Bottom Ditch Company to the Central Colorado Water Conservancy District.. He explained the County tries to the lease the shares, but this has become more challenging in recent years.

Commissioner Conway moved to approve said specific performance contrac which authorizes the sale of the shares to the Central Colorado Water Conservancy District and authorize the Chair Pro-Tem to sign. Seconded by Commissioner James, the motion carried unanimously.



4) CONSIDER CANCELLATION OF BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULED FOR JUNE 5, 2019: Commissioner James moved to cancel the Board of County Commissioners meeting for June 5, 2019. The motion was seconded by Commissioner Moreno, and it carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:23 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

EXCUSED
Barbara Kirkmeyer, Chair

Weld County Clerk to the Board

Mike Freeman, Pro-Tem

BY: _____
Deputy Clerk to the Board

Sean P. Conway

Scott K. James

Steve Moreno

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MAY 8, 2019

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, on May 8, 2019, at the hour of 9:00 a.m.

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

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

Also present:

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

 **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of May 6, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **READ ORDINANCE BY AUDIO:** Commissioner James moved to read Code Ordinances #2019-05 and #2019-06 by audio. The motion was seconded by Commissioner Conway, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on May 6, 2019, as follows: 1) USR18-0106 – John and Diana Howard, and D&C Farms, LLLP, c/o Rocky Mountain Midstream, LLC. Commissioner Moreno seconded the motion, which carried unanimously.

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

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

PRESENTATIONS:

 1) DECLARATION OF FRIENDSHIP WITH SHOMRON REGIONAL COUNCIL – WELD COUNTY AND SAMARIA, ISRAEL, FRIENDSHIP INITIATIVE: Chair Kirkmeyer read the declaration of friendship between Weld County, and Samaria, Israel. Michael Gale, resident of Weld County, thanked the

Commissioners for their support and opportunity to work together. Each Commissioner, in turn, thanked Mr. Gale for his leadership and friendship. Commissioner James stated he will keep Israel and Mr. Gale in his prayers when Mr. Gale travels to Israel to deliver the signed Declaration of Friendship. Chair Kirkmeyer stated it is important to be reminded of the freedoms enjoyed in the United States. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 **PUBLIC INPUT:** Gary Lagrimanta, Mayor of Kersey, thanked the Commissioners for their support and the actions they are taking following the approval of the oil and gas bill SB-181 and offered the Town of Kersey's support. Chair Kirkmeyer stated the Board appreciates having individuals express their support of the Board in their fight following the passage of SB-181. Each Commissioner, in turn, thanked Mr. Lagrimanta for his support. Commissioner Conway invited Mr. Lagrimanta to the Board meeting on June 10, 2019, when the Commissioners will approve the Resolution asserting their local control in regard to oil and gas regulations. Chair Kirkmeyer expressed her appreciation and support of the Town of Kersey's Board members.

NEW BUSINESS:

 1) CONSIDER CONTRACT ID #2626 AGREEMENT CONCERNING PURCHASE OF TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – SCOTT AND ILENE MARQUARDT: Tiffane Johnson, Department of Public Works, presented the agreement for the total amount of \$6,500.00. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign all necessary documents. The motion was seconded by Commissioner James, and it carried unanimously.

 2) CONSIDER CONTRACT ID #2638 AGREEMENT CONCERNING PURCHASE OF TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – SONDRAL. GOZZI REVOCABLE TRUST, TRUSTEE: Ms. Johnson reviewed the terms of the agreement for the total amount of \$500.00. Commissioner Conway moved to approve said agreement and authorize the Chair to sign all necessary documents. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 3) CONSIDER CONTRACT ID #2660 AGREEMENT CONCERNING PURCHASE OF TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – MARK PAULSON: Ms. Johnson presented the terms of the agreement for the purchase of a Temporary Construction Easement for the total amount of \$2,500.00. Commissioner James moved to approve said agreement and authorize the Chair to sign all necessary documents. Seconded by Commissioner Moreno, the motion carried unanimously.

 4) CONSIDER CONTRACT ID #2661 AGREEMENT CONCERNING PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – MOLLY ELLIOTT: Ms. Johnson reviewed the details of the agreement for the total amount of \$66,250.00. Ms. Johnson stated this particular property owner will be the most impacted by the road construction. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign all necessary documents, which was seconded by Commissioner Moreno. In response to Commissioner Conway, Ms. Johnson stated relocation was not cost effective, but Ms. Elliott's property meets the setback requirements so staff tried to mitigate. Ms. Johnson confirmed the trees were removed from Ms. Elliott's property and the department is paying \$14,000.00 for an outbuilding to provide

a temporary construction trailer. Michael Bedell, Department of Public Works, stated Ms. Elliott has horse corrals that are adjacent to Weld County's right-of-way. He explained they will install a temporary fence, move the horses and then construct and install the permanent fence. There being no further discussion, the motion carried four to one, with Commissioner Kirkmeyer opposed.

 5) CONSIDER CONTRACT ID #2662 AGREEMENT CONCERNING PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – JACOB AND ELLEN KERBS LIVING TRUST: Ms. Johnson presented the agreement for the total amount of \$6,500.00. Commissioner Conway moved to approve said agreement and authorize the Chair to sign all necessary documents. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 6) CONSIDER CONTRACT ID #2664 AGREEMENT CONCERNING PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO CR 39 EXTENSION PROJECT AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – LAWRENCE ROSS AND JADE MURRAY ROSS: Erich Green, Department of Public Works, presented the terms of the agreement for the total amount of \$75,353.00. In response to Commissioner Conway, Don Dunker, Department of Public Works, stated a portion of the funds may come from Weld County. Chair Kirkmeyer explained the right-of-way acquisition is being paid through the grant and the Union Pacific Railroad match. Elizabeth Relford, Department of Public Works, clarified the Board agreed to contract the project instead of Weld County crews doing the job, and Union Pacific Railroad will cover \$830,000.00 of the project cost, but the right-of-way and design are being covered by the DOLA grant. Chair Kirkmeyer clarified the construction costs will covered by DOLA grants. Chair Kirkmeyer suggested Ms. Relford submit a report, for transparency, in regard to the cost of the project. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign all necessary documents. The motion was seconded by Commissioner James, and it carried unanimously.

 7) CONSIDER TEMPORARY CLOSURE OF CR 60.5 BETWEEN CRS 51 AND 53: Amy Mutchie, Department of Public Works, reviewed the details of the closure beginning May 20, 2019, through June 10, 2019, to replace and upgrade three (3) drainage culverts. She stated the detour route is paved and final paving will be required after the culverts are installed. Commissioner Conway moved to approve said temporary closure. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 8) FIRST READING OF WELD COUNTY ORDINANCE #2019-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 8 PUBLIC WORKS, OF THE WELD COUNTY CODE (MS4): Lyndsay Holbrook, Department of Public Works, presented the Code Ordinance for Municipal Separate Storm Sewer System (MS4) and stated the Department of Public Works must comply with the new permit requirements implemented by the State by July 1, 2019. She then presented Code Ordinance #2019-05 and detailed the sections which were modified. She stated the MS4 map will need to be updated due to the constant changing of census data and annexations. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve Code Ordinance #2019-05 on First Reading. Seconded by Commissioner James, the motion carried unanimously.

 9) FIRST READING OF WELD COUNTY ORDINANCE #2019-06, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION, OF THE WELD COUNTY CODE (*DISPOSITION OF RECOVERED PROPERTY*): Bob Choate, Assistant County Attorney, presented the change to a provision of Chapter 2 to reflect the County's policy under the Unclaimed Property Act, and to comply with the public tow law for the Sheriff's Office. He stated

abandoned snowmobile, and ATVs will be disposed of the same way as abandoned motor vehicles. No public testimony was offered concerning this matter. Commissioner Moreno moved to approve on First Reading of Code Ordinance #2019-06. The motion, which was seconded by Commissioner Conway, carried unanimously.

PLANNING:

 1) CONSIDER RESUBDIVISION, RES19-0002, TO CORRECT ILLEGAL LOT SPLITS THAT CREATED THREE (3) LOTS FROM ONE (1) LOT – ARTHUR AND MARIE SAILAS, AND STANLEY AND ROMAINE BERGKAMP: Angela Snyder, Department of Planning Services, reviewed the details to correct illegal lot splits and ensure the structures meet the setbacks for the A (Agricultural) Zone District and increase the parcels to 2.5 acres to make them uniform and meet the minimum lot size requirement. She stated the Town of Lochbuie is requesting the reduction of accesses to one (1) per lot once the land is developed and also dedicate 28 feet of right-of-way and an 18-foot easement from the edge of the lot. In response to Chair Kirkmeyer, Ms. Snyder stated Lot 3 was created in 1977, and Lot 2 was created in 1995.  Sabrina Sailas, applicant, stated they want to correct the boundary lines and have this resolved so there won't be issues in the future. Ms. Sailas stated she doesn't agree with the Town of Lochbuie's request for additional right-of-way and an 18-foot easement, because they only want to correct the illegal lot splits and are not looking to develop the land. Chair Kirkmeyer confirmed there is no reason to address the dedication.  Stanley Bergkamp, applicant, addressed the access points and explained how many are on each lot. Ms. Snyder confirmed the Town of Lochbuie requested the accesses on each lot be reduced when development occurs, but has not requested any current accesses be closed. Ms. Sailas stated when Lot 3 is developed they will need two (2) accesses. Mr. Bergkamp stated both properties have well water and the leach field was last inspected in December 2018, and he confirmed the septic system was installed in 1977 on Lot 3.  Chair Kirkmeyer stated she would like the accesses to be added as a Condition of Approval (COA) which will need to be considered at redevelopment. Bruce Barker, County Attorney, confirmed COA 1.A.4 is not necessary. Chair Kirkmeyer suggested deleting COA 1.A.5. She further stated when the septic system fails, there will not be enough space to have another leach field on any of the properties and the landowners will need to connect to the public sewer system. Mr. Bergkamp agreed with the lot sizes and clarified Lot 2 will be kept at 2 acres and Lot 3 will be kept at 1.3 acres. Chair Kirkmeyer clarified COA 1.A.12 addresses her concerns with the aging septic system. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve said Resubdivision to correct illegal lot splits with amendments made during this hearing. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) CONSIDER PROBABLE CAUSE HEARING, PCSC19-0005, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR16-0041 – HUNT BROTHERS PROPERTIES, INC.: Kim Ogle, Department of Planning Services, presented the violations and issues of noncompliance for USR16-0041. He also explained there are Conditions of Approval and Development Standards required prior to construction which have not been completed, and the Improvements Agreement has not been submitted. He stated there are concerns expressed by the Departments of Public Works and Building Inspection, and the applicant hasn't submitted a signed and approved map. In response to Commissioner Conway, Mr. Ogle confirmed there are nine (9) Development Standards which have not been met. Mr. Ogle presented the photos of the site and facility. In response to Commissioner Conway, Mr. Ogle stated the temporary batch plant was not permitted and the applicant implied the facility is temporary because their equipment has tires on it.  Steve Ward, representative of Asphalt Specialties Company, submitted a handout as Exhibit "A". Mr. Ward explained there have been many complications and engineering challenges with this project. He presented the design of the property and stated the Bull Canal is located on the west side of the property and acts as a dam which does not allow water to leave the site. He noted the Board approved the USR with the posted speed limit of 45 miles per hour (mph), and then the posted speed limit changed to 55 mph. He stated they don't have an agreement with FRICO on how to handle

construction and ongoing maintenance and the retention pond will be built to take the water off the road. He explained they haven't been able to get building permits because the lots aren't recorded yet. He stated the USR has not been recorded due to the roadway improvements. Mr. Ward explained the difficulties in working with staff and how this project has encountered many challenges with the oil and gas gathering lines and with the FRICO Ditch Company.  Commissioner Conway requested clarification of a letter received by the applicant in December 2018, stating they received approval from Weld County for them to commence operations. Mr. Ogle confirmed he received a copy of the letter in April 2019, but there was no response to the letter indicating Weld County gave their permission to commence operations. Mr. Ward explained because the speed limit sign that was posted went from 45 mph to 55 mph, and their engineers based the design on the posted 45 mph speed limit, the acceleration and deceleration lanes will need to be longer to accommodate the higher speed limit. Commissioner James confirmed Asphalt Specialties, Inc., has been and is operating without the proper permits in place. Mr. Ward confirmed there were nine (9) different submittals for the acceleration and deceleration lanes. Chair Kirkmeyer clarified this is not a hearing to amend the USR permit, but to determine if there is enough evidence to proceed with a Show Cause hearing. She stated she agrees with staff and found that the applicant is not in compliance with their USR permit. She listed the Condition of Approvals which will need to be completed before receiving their USR permit. Mr. Ogle confirmed staff has not received an updated application for an access permit, which is #1.A. Chair Kirkmeyer stated the applicant is not in compliance with #1.B, #1.C, (lighting plan) and #1.D (landscape and screening plan) so these will need to be added. She reiterated they still don't have their plat recorded. She suggested adding in COA #7, and stated Mr. Ogle will need to include Development Standards #10, #11, #17, #18, #20, #25, #27, and #28. Chair Kirkmeyer stated the plant does not have a temporary permit, and it is the applicant's responsibility to complete the Conditions of Approval and Development Standards. She believes there has been a disregard for the Conditions of Approval of their USR, because the operations have started. No public testimony was offered concerning this matter.  Commissioner Conway stated there is evidence to proceed with a Show Cause hearing. Mr. Ogle listed the items which Asphalt Specialties, Inc., must complete before they will be in compliance with their USR.  Dawn Anderson, Department of Public Works, stated they will need to submit the completed drainage report and then it will need to be brought back to the Board before they apply for their Access Permits. Mr. Ward stated operations at the site have ceased, and to the best of his knowledge, the plant has never operated as a commercial asphalt batch plant. He stated the Bull Canal can't be constructed until the ditch is empty which would be in November 2019. He requested he be granted another 90 days to get the engineering done for both the roadway and the landscaping. Chair Kirkmeyer stated drainage issues were brought up by the surrounding property owners during the USR hearing. Mr. Ward explained he won't know what the final landscaping plan will be until the final road improvements are completed. Chair Kirkmeyer disagreed with the lack of a landscape plan because it needs to screen the facility, not the roadway. Ms. Anderson stated the Department of Public Works has a draft of the Road Improvements Agreement. Chair Kirkmeyer suggested keeping June 19, 2019, for the Show Cause hearing because if they need to get the agreement with FRICO. Commissioner Moreno moved to set the Show Cause hearing, PCSC19-0005, for July 1, 2019, at 9:00 a.m. The motion, which was seconded by Commissioner Conway, carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2019-05 and #2019-06 were approved on First Reading.

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

There being no further business, this meeting was adjourned at 11:25 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 MAY 13, 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, May 13, 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 May 8, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **READ ORDINANCE BY AUDIO:** Commissioner James moved to read Code Ordinance #2019-07 by audio. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on May 8, 2019, as follows: 1) USR18-0128 – The Wheeler 2014 Revocable Trust, c/o Jeremiah Wheeler, 2) USR18-0127 – Claire Scavello, and 3) USR18 0106 – Gary Howard, John and Diana Howard, and D&C Farms, LLLP, c/o Rocky Mountain Midstream, LLC. Commissioner Moreno seconded the motion, which carried unanimously.

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

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

PROCLAMATIONS:

 1) NATIONAL WELD COUNTY POLICE OFFICERS WEEK – MAY 12-18, 2019, NATIONAL PEACE OFFICERS MEMORIAL DAY - MAY 15, 2019, AND WELD COUNTY FALLEN OFFICER MEMORIAL TRIBUTE CEREMONY – MAY 16, 2019: Chair Kirkmeyer read the proclamation for the

record. Sheriff Steve Reams accepted the award on behalf of the Weld County Sheriff's Office and expressed his appreciation for the recognition. He further stated this proclamation and Memorial Tribute Ceremony is a way for citizens to honor the families of the fallen officers who have made the ultimate sacrifice for their safety and well-being. Sheriff Reams extended an invitation to the Fallen Officers Memorial event on May 16, 2019. Each Commissioner thanked Sheriff Reams and expressed their gratitude to the Sheriff's Office and their shared grief over the slain police officers in our community and beyond. They further recognized this proclamation and memorial as an opportunity to remember those who risk their lives every day. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 **PUBLIC INPUT:** Roger Reed, resident of Greeley, commended the Commissioners for their work on SB-181. He expressed his concerns regarding the Colorado Oil and Gas Conservation Commission (COGCC) holding rule-making meetings and requested that Weld County be represented at these meetings. Chair Kirkmeyer stated there will be representatives at the stakeholder meetings and explained how the rules will effect the taxing structure. Commissioner Conway thanked Mr. Reed for coming in and expressing his opinions.

BIDS:

 1) PRESENT BID #B1900094, CNG FUEL SITE MAINTENANCE – DEPARTMENT OF FLEET SERVICES: Rob Turf, Department of Purchasing, reviewed the four (4) bids received and stated staff will bring back a recommendation on May 29, 2019.

 2) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN – (NW1/4 SE1/4, S26, T9N, R66W – 40.0 ACRES): Barbara Connolly, Controller, stated no bids were received for items #2 through #4. Commissioner Moreno moved to dismiss the oral auction for said oil and gas lease. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 3) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN – (E1/2 SE1/4, S26, T9N, R66W – 80.0 ACRES): Chair Kirkmeyer stated no action is necessary. Commissioner Conway moved to dismiss the oral auction for said oil and gas lease. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 4) CONDUCT ORAL AUCTION FOR OIL AND GAS LEASE AND AUTHORIZE CHAIR TO SIGN – (E1/2 SE1/4, S24, T8N, R66W – 80.0 ACRES): Commissioner James moved to dismiss the oral auction for said oil and gas lease. Seconded by Commissioner Conway, the motion carried unanimously. In response to Commissioner Conway, Ms. Connolly stated they have not been in contact with the parties who nominated the parcels.

NEW BUSINESS:

 1) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – ALLEGIANCE RANCH AND EQUINE RESCUE, INC.: Bob Choate, Assistant County Attorney, reviewed the details of the application for an event, Heros and Horses Hoedown, hosted by the Allegiance Ranch and Equine Rescue, Inc., on June 10, 2019.  Gloria Timmons, applicant, explained the purpose of the event is to rescue at-risk horses and to provide therapy and support to first-responders and veterans, and their families. In response to Commissioner Conway, Ms. Timmons stated equine therapy is very effective. Commissioner James moved to approve said permit and authorize the Chair to sign. The motion, which was seconded by Commissioner Conway, carried unanimously.

 2) CONSIDER AGREEMENT FOR TRANSFER OF ENTITLEMENTS FROM GREELEY-WELD COUNTY AIRPORT TO WRAY MUNICIPAL AIRPORT AND AUTHORIZE CHAIR TO SIGN: Cooper

Anderson, Director of the Greeley-Weld County Airport, reviewed the terms of the agreement for transfer of entitlements to the Wray Municipal Airport. He stated the funds are discretionary and the Greeley-Weld County Airport will transfer \$150,000.00. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.

 3) CONSIDER COURT SECURITY GRANT APPLICATION AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Toby Taylor, Director of the Department of Buildings and Grounds, presented the application for metal detectors to be used in the court complex which includes on-going maintenance for the video conferencing equipment. Commissioner Moreno moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

 4) CONSIDER AGREEMENT FOR COBRA SERVICES AND AUTHORIZE CHAIR TO SIGN – AETNA LIFE INSURANCE COMPANY: Patti Russell, Director of the Department of Human Resources, presented the agreement for COBRA Services with Aetna Life Insurance Company. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 5) CONSIDER LEASE AGREEMENT FOR FULTON DITCH SHARES AND AUTHORIZE CHAIR TO SIGN – LLOYD LAND: Clay Kimmi, Department of Public Works, stated this is the annual lease of Fulton Ditch shares the County previously owned. Last week the Board approved the transfer of ownership of the shares to the Central Colorado Water Conservancy District (CCWCD); however since they won't be able to use the water, they requested the County lease the shares. Mr. Kimmi reviewed the three (3) bids received and stated staff recommends awarding to the highest bidder, Lloyd Land, for the total amount of \$2,100.00 for 28 shares. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

 6) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – MICHAEL RINGLE: Commissioner Conway moved to approve said appointment and authorize the Chair to sign. The motion, which was seconded by Commissioner Moreno, carried unanimously.

 7) CONSIDER CONTRACT ID #2667 AGREEMENT CONCERNING PURCHASE OF TEMPORARY CONSTRUCTION EASEMENT FOR CERTAIN IMPROVEMENTS TO INTERSECTION AT CRS 34 AND 13 AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – BRAD SIMMERING AND KATHY MONTGOMERY: Tiffane Johnson, Department of Public Works, presented the agreement for the total amount of \$2,500.00. Commissioner Freeman moved to approve said agreement and authorize Chair to sign all necessary documents. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 8) FIRST READING OF CODE ORDINANCE #2019-07, IN THE MATTER OF REPEALING AND REENACTING WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION AND CHAPTER 3 HUMAN RESOURCES, OF THE WELD COUNTY CODE (*WORKING RETIREES*): Ms. Russell presented the changes to the Code, which were necessitated from changes requested by the IRS. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2019-07 on First Reading. Seconded by Commissioner Freeman, the motion carried unanimously.

PLANNING:

 1) CONSIDER SECOND AMENDMENT TO LOCAL GOVERNMENT WAIVER AGREEMENT FOR MAJOR FACILITY OF A PUBLIC UTILITY 1041 PERMIT APPLICATION AND AUTHORIZE CHAIR TO SIGN – PUBLIC SERVICE COMPANY OF COLORADO: Mr. Choate presented the second amendment to the waiver agreement which was approved November 5, 2018, and extended again on January 28, 2019. The case is scheduled to be heard by the Board on May 22, 2019, but the applicants are requesting a continuance to July 17, 2019, to adequately address the concerns from referrals and public comments.

 In response to Commissioner Coway, Mr. Choate stated he doesn't anticipate the applicants will continue this matter further, so it will be heard on July 17. Commissioner Freeman clarified if the Board doesn't continue this matter the Board is required to approve within a certain amount of time, or the application will be automatically approved. Commissioner James moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 2) CONSIDER RESUBDIVISION, RES19-0003, TO DIVIDE LOT 1, BLOCK 1 OF THE FIRST REPLAT OF INDIANHEAD SUBDIVISION INTO THREE (3) RESIDENTIAL LOTS – STEPHEN AND CHRISTINE LYDON: Angela Snyder, Department of Planning Services, presented the request to resubdivide the five (5) acre property to three (3) lots. She stated it was originally three (3) lots. Ms. Snyder explained there is an existing home on Lot 1 and Lots 2 and 3 will be single-family residential homes. Ms. Snyder stated the property is in the Town of Windsor's Coordinated Planning Agreement area, the Department of Planning Services recommends approval of the resubdivision, and she presented maps and photos of the property. In response to Chair Kirkmeyer, Ms. Snyder stated the lots will have public water taps and the Indianhead Subdivision has septic systems which the lots will be able to tap into.  Evan Pinkham, Department of Public Works, stated the area falls under the Municipal Separate Storm Sewer Services (MS4) area and triggers requirements for drainage. He stated the applicants will need to submit a final drainage report and Certificate of Compliance stamped and signed by a professional engineer.

 Steve Lydon, applicant, explained his desire is to divide the land for his son who wants to build a house. Sean Lydon, applicant, stated they will not be changing any of the existing drainage and all the Indianhead Subdivision drainage runs to the retention pond on the southeast side of Hopi Trail; therefore, he doesn't see the need for a retention pond for the three (3) lots. In response to Commissioner James, Ms. Snyder stated a legal statement has been recorded which does not include the three (3) lots in the Indianhead Homeowner's Association. No public testimony was offered concerning this matter.  In response to Commissioner Conway, Mr. Pinkham stated because this parcel is located in the MS4 area there are water quality standards and drainage improvements required; therefore, the site does not meet any exceptions. Sean Lydon stated he submitted a drainage report from AGPROfessionals. Chair Kirkmeyer stated staff is making sure they are in compliance with the new federal MS4 requirements. In response to Commissioner Conway, Dawn Anderson, Department of Public Works, stated the MS4 rules have been in place for a few years, but she was unsure about the year it came into effect. She stated the applicant will need to have a final drainage report and meet water quality improvements onsite. In response to Mr. Lydon, Ms. Anderson stated the original narrative which was submitted is not enough for MS4 regulations today and the parcel can't be grandfathered in.  Mr. Pinkham confirmed Hopi Trail is a County-maintained roadway. Commissioner Kirkmeyer suggested Condition of Approval #1.D.13 should be changed to state, "*Water service must be obtained from a water district*". Sean Lydon referred to Conditions of Approval #1.C.7 and #1.C.8 regarding a shared access. He stated they would be installing individual driveways to each lot and doesn't want a shared access. Chair Kirkmeyer clarified there is not a reference to a shared access and the way #1.C.7 and #1.C.8 are written is sufficient. Ms. Snyder stated the Department of Planning Services requires internal lots inside a subdivision have direct access to the local road that is part of the subdivision. She stated each home would have a

driveway. Ms. Snyder stated she will correct the staff memo to show the correct acreage. Commissioner Moreno moved to approve said resubdivision and authorize the Chair to sign. The motion was seconded by Commissioner Conway, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2019-07 was approved on First Reading.

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

There being no further business, this meeting was adjourned at 10:05 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 MAY 15, 2019

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 15, 2019, at the hour of 9:00 a.m.

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

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

Also present:

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

 **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of May 13, 2019, as printed. Commissioner James seconded the motion, and it carried unanimously.

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

PROCLAMATIONS:

 1) MENTAL HEALTH MONTH – MAY, 2019: Chair Kirkmeyer read the certificate for the record proclaiming May, 2019, as Mental Health Month. Larry Pottorff, representative of North Range Behavioral Health, expressed his and his staff's appreciation for the Commissioners' Proclamation, and then introduced representatives from North Range Behavioral Health. He stated they will continue to raise awareness about how mental health issues are viewed and how they impact physical health and the community. Mr. Pottorff stated he is proud to be part of Weld County and thanked Commissioner James for attending the groundbreaking ceremony for the new facility in the Town of Frederick. Each Commissioner, in turn, thanked Mr. Pottorff and those in attendance for serving the residents of Weld County and recognized the collaborative partnership is making strides toward viewing mental health issues as important and as treatable as physical ailments. (*Clerk's Note: The Board paused the meeting for a photo opportunity.*)

 **AMENDMENTS TO AGENDA:** Commissioner Moreno moved to add the following item as item #1) under New Business and renumber the Agenda: 1) Consider Memorandum of Understanding for

Northern Colorado Regional Economic Development Partnership and authorize Chair to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 **PUBLIC INPUT:** Bill Gillard, resident of Greeley, thanked the Board for the recognition of the Vietnam Veterans. Chair Kirkmeyer thanked Mr. Gillard for his service to the Country and invited him to the pinning service, so the Board can properly thank him for his service.

NEW BUSINESS:

 1) CONSIDER MEMORANDUM OF UNDERSTANDING FOR NORTHERN COLORADO REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIP AND AUTHORIZE CHAIR TO SIGN – LARIMER COUNTY: Commissioner Freeman expressed the importance of the Memorandum of Understanding for the Northern Colorado Regional Economic Development Partnership, which will allow more visibility of the goals being met and the partnerships being formed.  Rich Warner, President of Upstate Colorado Economic Development, stated he appreciates the 32-year partnership with the Commissioners which has developed into a tremendous working relationship. Mr. Warner listed other entities with which they have collaborative partnerships. Jacob Castillo, Director of Workforce Development, stated Larimer County Commissioners created a new department to focus on economic development. He stated working with Mr. Warner and other partners has created a talent pipeline to hire for jobs and will have a lasting and meaningful impact on the region. Larimer County Commissioner Tom Donnolly, stated this more formalizes the relationship and demonstrates the entities are serious about the economic well-being of the region. For example, collaboratively working on Interstate 25, Weld County offered millions of dollars for the Interstate. He also stated this is a pivotal moment to work collaboratively to develop the Northern Colorado region and as a great place to work and play. Commissioner Conway commended Commissioner Donnolly for going to other communities to gather support and raise money for the Interstate 25 improvements. Commissioner James stated as a radio broadcaster he has done his best to have the region recognized as Northern Colorado and not just individual communities. Chair Kirkmeyer explained Larimer and Weld Counties have had a great partnership for many years and the MOU galvanizes the partnership. She explained it has been a great honor to work on transportation issues and foster regional development. Commissioner Moreno moved to approve said memorandum of understanding and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously. *(Clerk's Note: The Board paused the meeting for a photo opportunity.)*

 2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBERS P9103192 AND P9103300 – PATRIOT WELL SOLUTIONS: Brenda Dones, Weld County Assessor, presented the petition for abatement or refund of taxes for the commercial property owned by Patriot Well Solutions, who focuses on the drilling and completion of wells. She explained they based the cost approach on the depreciation value of the equipment. Patriot Well Solutions' original declaration listed their equipment as tools, but they are actually well site drill bits. Ms. Dones explained there is excessive wear and tear on drill bits, so they get a six (6) year life, instead of fourteen (14) like other tools. She stated Patriot Well Solutions has two (2) business locations, one in the City of Fort Lupton and one in the City of Brighton, which have differing mill levy percentages, so once the location of the equipment was corrected there was a significant tax difference. Ms. Dones recommends lowering the value of P9103192 from an assessed value of \$563,150.00 to \$150,740.00 and to raise the value of P9103300 from an assessed value of \$185,750.00 to \$423,780.00. She stated \$23,073.47 is the recommended abatement. In response to Commissioner Conway, Ms. Dones confirmed this is just for tax year 2018. No representative for Patriot Well Solutions was present. Commissioner Conway moved to approve a tax abatement for tax year 2018, in the amount of \$23,073.47. Seconded by Commissioner Moreno, the motion carried unanimously.

 3) CONSIDER TEMPORARY CLOSURE OF CR 55 BETWEEN CRS 70 AND 72: Amy Mutchie, Department of Public Works, presented the temporary closure beginning May 20, 2019, through May 23, 2019, to replace an irrigation culvert. She stated water will be used on the gravel detour route, as necessary. Commissioner Freeman moved to approve said temporary closure. The motion, which was seconded by Commissioner James, carried unanimously.

 4) CONSIDER TEMPORARY CLOSURE OF CR 76 BETWEEN CRS 23 AND 27: Ms. Mutchie presented the closure beginning May 28, 2019, through May 31, 2019, for the replacement of a drainage culvert. She stated the gravel detour route will be treated with magnesium chloride for dust abatement. Commissioner Conway moved to approve said temporary closure. Seconded by Commissioner Freeman, the motion carried unanimously.

 5) CONSIDER APPOINTMENTS AND REASSIGNMENTS TO WORKFORCE DEVELOPMENT BOARD: Commissioner James moved to approve said appointments and reassignments. Seconded by Commissioner Conway, the motion carried unanimously.

PLANNING:

 1) CONSIDER FEE SCHEDULES FOR ROAD IMPACT, COUNTY FACILITIES IMPACT, AND DRAINAGE IMPACT FEES COLLECTED BY THE WELD COUNTY DEPARTMENT OF PLANNING SERVICES: Tom Parko, Director of the Department of Planning Services, presented the adjustment of impact fees which are construction fees collected by the County and he provided a table of what was assessed in the years 2016, and 2017, and the fees proposed for 2019. In response to Commissioner Conway, Mr. Parko confirmed there was no analysis of the actual cost occurrences and explained how the fees were reviewed. He stated Weld County fees should be reviewed every ten (10) years but stated going forward he will meet with Don Warden, Director of Finance and Administration, to make sure the fees are accurate. Elizabeth Relford, Department of Public Works, stated the last fee analysis was done between 2009 and 2010, with a consultant who recommended changes of \$3,000 for a single family home, and as a result, the Board decided to only consider the inflationary increase. She further stated arterial roads and collector roads be included in the impact fees. Chair Kirkmeyer clarified the review is not just an annual plan, but they also look at the projects and improvements which are taking place. Commissioner Conway confirmed staff only considers and applies the CPI. Commissioner Moreno commended Ms. Relford for doing a great job explaining the fee schedule and moved to approve said fee schedules. The motion was seconded by Commissioner James, and it carried unanimously.

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

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

There being no further business, this meeting was adjourned at 9:47 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 MAY 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, May 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
Commissioner Sean P. Conway - EXCUSED
Commissioner Scott K. James
Commissioner Steve Moreno

Also present:

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

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

 **CERTIFICATION OF HEARINGS:** Commissioner Moreno moved to approve the Certification of Hearings conducted on May 15, 2019, as follows: 1) PCSC18-0022 – Kenneth and Sandra Brooker, 2) USR18-0120 – Bar Nine, LLC, c/o Greg Johnson, 3) USR19-0004 – Gabel Cattle, LLC, c/o Cureton Front Range, LLC, 4) USR19-0012 – Michael Boulter Farms, LLC, c/o Rocky Mountain Midstream, LLC, and 5) USR19-0002 – English Feedlot 2, LLC, c/o Expedition Water Solutions Colorado, LLC. Commissioner Freeman seconded the motion, which carried unanimously.

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

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

PRESENTATIONS:

 1) AWARD FOR EXCELLENCE FOR CR 47 - CR 60.5 TO STATE HIGHWAY 392 – COLORADO/WYOMING CHAPTER OF THE ACPA: Chair Kirkmeyer presented the award to the Department of Public Works. She reviewed the judging criteria for the award, including” project schedule, project scope, concrete materials, paving process, quality control, pavement smoothness, sustainability, innovation, safety and public relations. She explained the project is now competing for a National Award and stated this is the largest in-house project the Weld County Department of Public Works has achieved. Jay McDonald, Director of the Department of Public Works, introduced the Public Works staff who had an integral part in the success of the project. He stated this is the ninth award Weld County Department of Public Works has received for this project. Chair Kirkmeyer recognized the project was completed five (5) months ahead of schedule and stated this infrastructure improvement is a great benefit for truckers, farmers, the oil and gas industry, and the traveling public, as an extension of the County Road 49 project. She stated, because of this project, traveling will be more efficient for the public, access to Weld County has improved, and she is proud of the Public Works team. Commissioner Moreno thanked Mr. McDonald and the Department of Public Works for their hard work and diligence at working together. Commissioner James thanked the Department of Public Works for a job well done. Commissioner Freeman acknowledged this project took a while to complete, but the public appreciates the work on the roadway. *(Clerk’s Note: The Board paused the meeting for a photo opportunity.)*

 **PUBLIC INPUT:** Nathan Trowbridge, resident of Eaton, expressed his frustration with the continuance of Code Ordinance #2019-02, because it will delay the start date of his Storage Business project. Chair Kirkmeyer stated the Board will consider his concerns before the Second Reading, and invited Mr. Trowbridge back to present his comments to the Board on June 10, 2019. Bill Gillard, resident of Greeley, expressed his concern for tax payers paying the legal fees for former Commissioner Julie Cozad.

BIDS:

 1) APPROVE BID #B1900089, HEALTH SERVICES-LOBBY RENOVATION – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Department of Purchasing, reviewed the bid received and stated staff recommends awarding to sole bidder, TCC Corporation for the total amount of \$147,343.00. Commissioner Moreno moved to approve said sole bid. The motion was seconded by Commissioner James, and it carried unanimously.

 2) APPROVE BID #B1900090, HEALTH BUILDING LAB HVAC UPGRADES – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the two (2) bids received and stated staff recommends awarding to the low bidder, Colorado Mechanical Systems, for the total amount of \$225,800.00. Commissioner Freeman moved to approve said low bid. Seconded by Commissioner James, the motion carried unanimously.

NEW BUSINESS:

 1) CONSIDER GRANT AGREEMENT FOR JUVENILE DIVERSION PROGRAM AND AUTHORIZE CHAIR TO SIGN: Michael Rourke, District Attorney, presented the agreement for the Juvenile Diversion Program for the total amount of \$95,359.00, with a 25% march required. He stated this will be used to prevent further involvement of juveniles in the formal justice system. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 2) CONSIDER 2019 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) APPLICATION AND AUTHORIZE ELECTRONIC SUBMITTAL: Sonja Kohlgraf, Sheriff's Office, present the application stating the grant funds will be used to offset the medical expense in the jail. She stated the amount is determined by the number of undocumented criminal offenders that stay in the jail more than four (4) days. Commissioner Freeman moved to approve said application and authorize electronic submittal. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 3) CONSIDER TEMPORARY ROAD CLOSURE OF CR 66 BETWEEN CRS 59 AND 61: Elizabeth Relford, Department of Public Works, presented the temporary road closure beginning June 4, 2019, through June 7, 2019, for a drainage culvert replacement. She stated staff will use water for dust abatement. Commissioner Freeman moved to approve said temporary closure. Seconded by Commissioner James, the motion carried unanimously.

 4) FINAL READING OF WELD COUNTY ORDINANCE #2019-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 12 LICENSES AND PERMITS, OF THE WELD COUNTY CODE (*LIQUOR LICENSES*): Commissioner James moved to read Code Ordinance #2019-04 by title only. Seconded by Commissioner Moreno, the motion carried unanimously. Bruce Barker, County Attorney read the title for the record and stated there have been no changes since the Second Reading. No public testimony was offered concerning this matter. Commissioner Freeman

moved to approve Code Ordinance #2019-04 on Final Reading. The motion was seconded by Commissioner Moreno, and it carried unanimously.

PLANNING:

 1) CONSIDER RESUBDIVISION, RES19-0004, OF LOTS 3, 4, AND 5, BLOCK 1, MCMAHAN SUBDIVISION, FOR REDESIGN INTO THREE (3) RESIDENTIAL LOTS – HEIRS OF LOUIS M. KIELIAN, C/O JOSEPH KIELIAN, JOYCE ERTMER, AND JEANNE MITCHELL: Angela Snyder, Department of Planning Services, explained this is considered an historical subdivision and the applicants are proposing to rearrange the three (3) lots so they will be buildable residential lots. Ms. Snyder stated the City of Greeley recommended the dedication of 21st Street and because 20th Street is already dedicated staff is not requiring the dedication of 21st Street. Ms. Snyder displayed photos of the property and its location.  Joseph Keilian, applicant, stated he doesn't understand why the drainage report is being requested because one wasn't requested at the pre-application meeting. He suggested the recommended Utility easement along the south edge of the property be waived because there are already easements on Lots 2 and 3 and would request the 20-foot easement on Lot 1 be waived. No public testimony was offered concerning this matter. Mr. Kielian stated he has reviewed all the Conditions of Approval. He stated he is being required to provide two letters (2) one will be to address concerns raised by the City of Greeley Fire Protection District, who is requesting the building be inspected. Mr. Kielian stated the City of Greeley Fire Protection District also suggested a Fire hydrant be installed, but he stated there is already a fire hydrant. Mr. Kielian stated the Colorado Department of Transportation (CDOT) stated that should a new home be proposed; a new access permit will be required.  Mike McRoberts, Department of Public Works, stated at the preapplication conference and stated he followed up with Haley Balzano, Department of Public Works, to see if the applicant was eligible for an exemption to submitting the drainage report and they do not qualify for an exemption.  Commissioner Freeman confirmed they are required to have a detention pond, when there are nine (9) lots or fewer. Mr. McRoberts was under the impression the applicants would add a new home on the lot. Chair Kirkmeyer stated the intent is the lot would be available to build a new home. Chair Kirkmeyer suggested deleting COA #1.A, because there is already a hydrant on the property, delete #1.B and add item #G.9, a note on the plat. She stated she agrees with the Department of Planning staff dedication of 21st Street to the City of Greeley, be required and as such, item #1.C be deleted. Chair Kirkmeyer stated the final drainage report cannot be waived and Weld County subdivision requirements need to be followed. Ms. Snyder stated staff agrees with removing Lot 1 from F.7. No public testimony was offered concerning the modifications to the COA. Commissioner Freeman moved to approve Resubdivision, RES19-0004 with the amendments made to the Conditions of Approval. Seconded by Commissioner Moreno, the motion carried unanimously

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance 2019-04 was approved on Final Reading.

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

There being no further business, this meeting was adjourned at 9:46 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

EXCUSED
Sean P. Conway

Scott K. James

Steve Moreno

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MAY 22, 2019

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 22, 2019, at the hour of 9:00 a.m.

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

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

Also present:

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

 **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of May 20, 2019, as printed. Commissioner James seconded the motion, and it carried unanimously.

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

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

PROCLAMATIONS:

 1) MEMORIAL DAY – MAY 27, 2019: Chair Kirkmeyer read the proclamation for the record declaring May 27, 2019, as Memorial Day, which has been recognized since 1868 as a day to decorate the grave sites of fallen soldiers, who paid the ultimate sacrifice for the freedom of citizens. She also noted she will be at Linn Grove Cemetery, Monday, May 27, 2019, to read the proclamation, on behalf of the Board.

 **PUBLIC INPUT:** Sherri Struble, resident of Erie, expressed her frustration with the November 25, 2018, expiration date of USR15-0045 not being enforced. She stated there wasn't any work performed on the property until last week and the work being performed is intrusive. She inquired how the USR expiration date is enforced. Ms. Struble also reported her neighbor has had an illegal marijuana grow and rentals on her property, and she inquired how Code violations are enforced, because she believes there are no apparent consequences. In response to Commissioner Conway, Ms. Strubel stated she is working

with the Department of Planning Services and submitted her comments as Exhibit A.  Chris Ralmo, resident of Erie and Secretary of Ranch Eggs neighborhood (also known as RENA) explained members of RENA voiced their concern to the County Commissioners about the intense development being planned and built by the Town of Erie and the City of Broomfield. She stated the two (2) municipalities have had an impact on the rural residential neighborhood and asked the Board to continue to advocate for their community. She displayed a map of the future development of the community.  Bill Gillard, resident of Greeley, stated it will be important for the Board to video tape their meetings, so the public can see the body language and interactions between the Commissioners. In response to Mr. Gillard, Chair Kirkmeyer explained staff and the Commissioners are not anticipating any more work sessions; however, Esther Gesick, Clerk to the Board, has been working with the vendor and the Director of the Department of Information Technology.

BIDS:

 1) APPROVE BID #B1900085, TABOR NOTICES – CLERK AND RECORDER: Rob Turf, Department of Purchasing, reviewed the four (4) bids received and stated staff recommends awarding to bidder who meets the specifications, Runbeck Election Services, Inc., for the size 1 and 2 booklets. Adam Gonzalez, Clerk and Recorder's Office, stated two (2) vendors didn't meet the required specifications, therefore; staff recommends Runbeck Election Services, Inc., because they understand the timeline with Tabor notice mailing and provided references demonstrating their success with meeting deadlines. Chair Kirkmeyer confirmed the Clerk and Recorders' Office has done their due diligence at checking the references of the other vendors. Commissioner Moreno moved to approve said low bid which meets specifications. The motion was seconded by Commissioner James, and it carried unanimously.

 2) PRESENT BID #B1900096, GROVER COMMUNICATIONS TOWER – DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS: Mr. Turf reviewed the four (4) bids received and stated staff will bring back a recommendation on June 10, 2019.

 3) PRESENT BID #B1900093, CISCO NETWORK DEVICES – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, reviewed the eleven (11) bids received and stated staff will bring back a recommendation on June 10, 2019.

NEW BUSINESS:

 1) CONSIDER CONTRACT ID #2564 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – VINCENT AND ROSE LOPEZ: Bruce Barker, County Attorney, on behalf of the Department of Human Services, reviewed the terms of the agreement for Vincent and Rose Lopez as foster care home providers. Commissioner Conway moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

 2) CONSIDER CONTRACT ID #2512 INTERGOVERNMENTAL AGREEMENT FOR SPILLMAN RECORDS USE AND SUPPORT AND AUTHORIZE CHAIR TO SIGN – TOWN OF MEAD ON BEHALF OF THE MEAD POLICE DEPARTMENT: Mr. Rose presented the agreement with the details of the Intergovernmental Agreement with the Town of Mead, on behalf of the Mead Police Department, to utilize Weld County's Spillman Program for records management. Commissioner Freeman moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.

PLANNING:

 1) CONSIDER REVOCATION OF MINOR SUBDIVISION FINAL PLAT, MF-1039, VACATE PRAIRIE HOLLOW ESTATES, AND REVERT PROPERTY TO A (AGRICULTURAL) ZONING – BRYANT AND KELSEY MUNDT: Kim Ogle, Department of Planning Services, stated the Final Plan application was approved by the Board on March 1, 2006, and the code states if no construction has commenced, or use established, within three (3) years of approval, the Board can have the applicants appear and demonstrate the Final Plan for the Minor Subdivision has not been abandoned. Zach Satrang, representative of the applicants, stated they would like to vacate the Minor Subdivision and revert to the A (Agricultural) Zone District to build a single-family residence. Commissioner Freeman moved to revoke Minor Subdivision, MF-1039, vacate Prairie Hollow Estates, revert the property back to the A (Agricultural) Zone District. The motion was seconded by Commissioner Conway, and it carried unanimously.

 2) CONSIDER RECORDED EXEMPTION, RECX19-0011 – T3 LAND AND INVESTMENT, LLC: Chris Gathman, Department of Planning Services, stated the applicants are proposing to divide Lot B of Recorded Exemption, RECX15-0109, into two (2) parcels. He explained the Recorded Exemption (RE) will divide acreage off Lot A. He displayed a photo showing the Board where the applicant would like to divide the parcel to apply for a four (4) lot PUD for commercial and industrial uses and stated there is an existing residence on the lot which will be converted to office space. Chair Kirkmeyer clarified Lot A will be approximately 17 acres and the new Lot B will about 84 acres and confirmed on the new Lot A they would like it to be zoned commercial or industrial. In response to Chair Kirkmeyer, Mr. Gathman confirmed the applicants would like to apply for a PUD on the new Lot A.  Haley Balzano, Department of Public Works, stated staff has concerns with the location of the access point in relation to CR 44. She stated both accesses are permitted with Tri-State, and the proposed access for Lot B is currently classified as a small commercial access located 1,735 feet west of the intersection. The applicant is proposing to relocate the access for Lot A 660 feet west from the edge of County Road 49; however, it does not meet the County Code spacing requirement. She explained the Code states an unsignalized intersection should be 1,320 feet from the access point, or if applicable, they should share the access. Ms. Balzano explained the applicant will need to apply for a variance to meet the sight distance requirements. In response to Chair Kirkmeyer, Ms. Balzano stated there are two options for the location of the access point, but since it is a subdivision road it is viewed as an intersection, therefore, it needs to be located 1,320 feet from the intersection. Ms. Balzano stated the largest distance from the edge of CR 49 right-of-way is 943 feet to the center line of the lot. Ms. Balzano confirmed the average daily traffic county of 1,352 with 34% trucks and the access was approved August 10, 2015, for Tri-State. In response to Commissioner Conway, Ms. Balzano stated the traffic count was taken August 2, 2017, and staff recommends the access to proposed Lot A cannot be any closer than 1,000 feet from edge of CR 49 right-of-way.

 Kelsey Bruxvoort, representative of AGPROfessionals, presented the Timmerman Feedlot and explained the Recorded Exemption is being done in conjunction with a four-lot Planned Unit Development (PUD) for industrial and commercial uses. She stated the applicant wants to create a 20-acre Lot A, and if the Recorded Exemption is not approved the remaining 100 acres will be encumbered as an outlot within the PUD. Ms. Bruxvoort stated the applicant believes extenuating circumstances exist to address the Department of Public Works' requirements for the PUD. She suggested the existing access point be relocated to meet the spacing criteria. She stated the Department of Public Works is requesting a shared access, which the applicant does not feel is practicable. She displayed photos showing the access point and the feedlot.

 Commissioner Conway requested clarification of the extenuating circumstances, in regard to the waiver of the five (5) year requirement. Ms. Bruxvoort stated having 100 acres encumbered as an outlot

isn't an appropriate use for the acreage and would be better to remain in the A (Agricultural) Zone District. Chair Kirkmeyer confirmed the proposed PUD on Lot A is to be considered the extenuating circumstances. In response to Chair Kirkmeyer, Mr. Gathman confirmed the PUD can be labeled as agriculture, commercial or industrial. Ms. Bruxvoort stated her concern is being able to get a permitted well permit within a platted subdivision and they do not want to restrict the feedlots' future water rights. Mr. Gathman stated the original Recorded Exemption (RE) was approved in November 19, 2015. Commissioner Conway clarified by applying for the RE the applicant is preserving the 80 acres for agricultural use. Commissioner James stated he feels that the PUD shouldn't be discussed during the request for the RE.

 Thomas Haren, representative of AGPROfessionals, stated the RE will create a separate buildable lot but the applicant wants to omit the 100 acres from the requirements of a PUD. In response to Chair Kirkmeyer, Mr. Haren estimated it will take two years from approval of the PUD to construction of an operational commercial or industrial business. He confirmed the construction won't be complete before the five (5) year timeframe requirement and it was the recommendation from the Department of Planning staff to apply for a Recorded Exemption. Commissioner James clarified the extenuating circumstances are the timeline of the market. After further discussion, Chair Kirkmeyer and the Board agreed it is logical to have the RE and can find extenuating circumstances.

 Chair Kirkmeyer addressed the concerns of the Department of Public Works, in regard to the access. She stated they will have to reevaluate the access, once they apply for the PUD, and it needs to be meet the Code, in regard to a subdivision. Commissioner Freeman stated the arterial road needs to be 660 feet and it may require turn lanes.

 Commissioner Freeman moved to approve Recorded Exemption, RECX19-0011, with the access being 660 feet from the intersection and at its current location. The motion was seconded by Commissioner Conway. Commissioner Freeman stated the applicant was able to demonstrate extenuating circumstances to keep the feedlot separate from the PUD.

 In response to Chair Kirkmeyer, Ms. Bruxvoort requested that Condition of Approval (COA) #2.C be deleted, because the two access points are staying the same and it would no longer apply. Ms. Balzano suggested COA #1.A also needs to be deleted. Commissioner Conway moved to amend the original motion to delete COAs #1.A and #2.C. Seconded by Commissioner James, the motion carried unanimously.

 3) CONSIDER EXTENSION OF TIME FOR SUBMITTAL OF FINAL PLAN FOR CHANGE OF ZONE, PZ-1071, FOR ALDER STATES PUD – MEAD CROSSINGS, LLC: Mr. Ogle reviewed the tenth request for an extension of time to submit the Final Plat and stated the applicant is now requesting a six (6) month extension. In response to Commissioner Conway, Mr. Ogle stated the applicant was to submit a final plan application on or before June 3, 2019.

 Fred Kelly, representative of Mead Crossings, LLC, stated he was approached by a potential purchaser who would prefer to proceed forward with the County, if the parcel isn't sold; therefore, he is requesting a six (6) month extension to formulate a plan on how to proceed with the Final Plan. In response to Chair Kirkmeyer, Mr. Kelly confirmed he is not prepared to submit the Final Plan. Mr. Ogle stated the applicant would need to apply for a Final Plan first. Mr. Kelly stated the plan would be radically different if the purchase goes through, and although he doesn't have a specific purchase date, he would be willing to proceed with the plan but it would not be ready prior to June 3, 2019. Mr. Ogle stated they will need to submit an extensive Final Plan. Chair Kirkmeyer stated she is not willing to grant another

extension. Commissioner Conway stated there is a potential buyer which is a new component and he is willing to grant an extension but suggested a shorter timeframe. Chair Kirkmeyer reiterated the applicant is not sure about the validity of the sale. Commissioner Freeman stated he would consider the extension. Commissioner Moreno stated he doesn't agree with granting extension. In response to Commissioner Conway, Commissioner James stated the shorter timeframe would be June 3, 2019. Mr. Kelly stated the sale is in negotiations and there is a 50% chance of the sale going through. He explained elections for a metropolitan district can only occur once a year and this type of election cannot be held in May, therefore, it can't be held until November, 2019. Chair Kirkmeyer stated she wants to know when Mr. Kelly could submit the Final Plan. Commissioner Conway confirmed with Mr. Kelly that they will file for a metropolitan district even during the negotiation of the sale. He stated if the purchase goes forward another plan would be filed. Mr. Kelly stated it takes six months to apply for a metro district and hold an election. Commissioner Moreno moved to deny the request for the extension. The motion was seconded by Commissioner James who stated he knows it will take longer than six (6) months to file for a metropolitan district. Commissioner Conway suggested granting the applicant another extension to file for a metropolitan district and allow for the election in November. 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 10:41 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

Mike Freeman, Pro-Tem

Sean P. Conway

Scott K. James

Steve Moreno

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MAY 29, 2019

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, May 29, 2019, at the hour of 9:00 a.m.

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

Commissioner Barbara Kirkmeyer, Chair
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 May 22, 2019, as printed. Commissioner Conway seconded the motion, and it carried unanimously.

 **READ ORDINANCE BY AUDIO:** Commissioner James moved to read Code Ordinance #2019-08 by audio. The motion was seconded by Commissioner Conway and it carried unanimously.

 **CERTIFICATION OF HEARINGS:** Commissioner Conway moved to approve the Certification of Hearings conducted on May 22, 2019, as follows: 1) USR18-0100 – Public Service Company of Colorado, 2) USR19-0003 – Una and Louie Martinez, 3) PUDZ19-0001 – T3 Land and Investment, LLC, and 4) USR19-0014 – Leeward Renewable Energy Development, LLC. Commissioner Freeman seconded the motion, which carried unanimously.

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

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

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

BIDS:

 1) APPROVE BID #B1900094, CNG FUEL SITE MAINTENANCE – DEPARTMENT OF FLEET

SERVICES: Rob Turf, Department of Purchasing, reviewed the four (4) bids received and stated staff recommends awarding to the low bidder, Ward Energy, which meets all specifications. Commissioner Moreno moved to approve said low bid. The motion was seconded by Commissioner James, and it carried unanimously.

 2) PRESENT BID #B1900095, RECYCLED ASPHALT CRUSHING – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the two (2) bids received and stated staff will bring back a recommendation on June 12, 2019.

 3) PRESENT BID #B1900098, COMMERCIAL CLOTHES WASHERS FOR THE JAIL (QTY 2) – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed the four (4) bids received and stated staff will bring back a recommendation on June 12, 2019.

NEW BUSINESS:

 1) CONSIDER APPLICATION FOR TITLE XX TRAINING GRANT FUNDS AND AUTHORIZE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES TO SIGN: Jamie Ulrich, Deputy Director of the Department of Human Services, stated the application is for \$13,460.00 for staff training to perform child welfare services. Commissioner Moreno moved to approve said application and authorize the Director of Human Services to sign. Seconded by Commissioner Conway, the motion carried unanimously.

 2) CONSIDER CONTRACT ID #2627 MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN COORDINATED ENTRY SYSTEM AND AUTHORIZE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES TO SIGN – COLORADO BALANCE OF STATE CONTINUUM OF CARE (BOS COC): Ms. Ulrich reviewed the terms of the non-financial memorandum of understanding for those experiencing homelessness to be placed on a shared list in hopes of obtaining housing sooner. Commissioner Freeman moved to approve said memorandum of understanding and authorize the Director of the Department of Human Services to sign. The motion, which was seconded by Commissioner Moreno, carried unanimously.

 3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R7046298 – CODE 3 ASSOCIATES, INC.: Brenda Dones, Assessor, presented the petition for abatement or refund of taxes for tax year 2016. She stated the property is combined office and retail space and the petitioner claims the Assessor's calculation of value exceeds the Fair Market value of the property. She stated staff recommends denial of the refund and to sustain the value, as the property is correctly valued based on the analysis of the Market and Income approach. No tax representative was present, and Ms. Dones stated the representative requested an administrative denial, so they can file to the State Board of Assessment Appeals. Commissioner Moreno moved to deny said petition for abatement or refund of taxes. The motion was seconded by Commissioner Conway, and it carried unanimously.

 4) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R7536099 – BFI MEDICAL WASTE, INC., C/O STERICYCLE, INC.: Ms. Dones presented the details of the petition for abatement or refund of taxes for tax year 2016. She stated there are four (4) buildings that are a combination of office, warehouse and manufacturing. No tax representative was present and Ms. Dones stated the petitioner has requested an administrative denial. Commissioner James moved to deny the petition for abatement or refund of taxes. The motion was seconded by Commissioner Freeman, and it carried unanimously.

 5) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R8950275 – LINCOLN PARK HOTEL, LLC: Ms. Dones reviewed the petition for abatement or refund of taxes for tax year 2018. She stated the property is a six (6) floor, 146-room, full-service hotel with an 25,198 square-foot conference facility. She explained the hotel is built on land owned by the City of Greeley, so the valuation is for improvements only. Ms. Dones explained construction was completed in January 1, 2018, therefore, 2018 was the first year of full value. She stated staff used the Cost approach to set the value at \$26,917,145.00. She stated the hotel was built to help develop and grow downtown Greeley and staff recommends a refund of \$406,661.76. In response to Commissioner Conway, Ms. Dones stated there wasn't any comparable sales of full-service hotels. Bob Tointon, resident of Greeley, Chip Wilson, representative of the hotel, both stated they support the Assesor's value. Commissioner Conway moved to approve, in-part, said petition for abatement or refund of taxes. The motion, which was seconded by Commissioner Moreno, carried unanimously.

 6) CONSIDER MODIFYING THE COST ALLOCATION FORMULA FOR USERS OF THE WELD COUNTY REGIONAL COMMUNICATIONS CENTER – EFFECTIVE JANUARY 1, 2020: Mike Wallace, Director of the Department of Public Safety Communications, reviewed the modification of the cost allocation for users of the Weld County Regional Communications Center. Chair Kirkmeyer stated the fees will increase for agencies to 40% in 2020 and phase in the User fee increase for law agencies by charging 25% in 2020, 32.2% in 2021 and 40% in 2022. Commissioner Freeman stated his support and reported the process went well. Commissioner Moreno moved to approve said modification of the cost allocation. Seconded by Commissioner James, the motion carried unanimously.

 7) CONSIDER STRUCTURE AGREEMENT FOR KEENESBURG MINE SITE AND AUTHORIZE CHAIR TO SIGN – COLORADO SAND COMPANY, LLC: Bob Choate, Assistant County Attorney, presented the agreement from Colorado Sand Company, LLC, as part of their DRMS permit. He stated the pit area will not affect nearby structures. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.

 8) CONSIDER CONTRACT ID #2735 SOLE SOURCE PURCHASE AGREEMENT FOR MATERIALS OR EQUIPMENT AND AUTHORIZE CHAIR TO SIGN – HENDERSON RECYCLE: Barb Connolly, Controller, stated this bid previously went out and couldn't find a vendor to supply the materials and when it was rebid, Henderson Recycle was the only vendor who could provide the materials. In response to Commissioner Conway, Mr. Turf stated the price which was quoted will be under the proposed budget. Commissioner Moreno moved to approve said sole purchase agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

 9) CONSIDER TEMPORARY CLOSURE OF CRS 13/34 INTERSECTION: Amy Mutchie, Department of Public Works, presented the closure beginning June 3, 2019, through October 31, 2019. She stated the detour route is paved and staff will use message boards to alert the residents living in the area. Commissioner James moved to approve said temporary closure. The motion, which was seconded by Commissioner Freeman, carried unanimously.

 10) CONSIDER GOVERNMENT AFFAIRS AGREEMENT AND AUTHORIZE CHAIR TO SIGN – RESPUBLICA, INC., DBA CAPITOL SOLUTIONS: Bruce Barker, County Attorney, stated Don Warden, Director of Finance and Administration, worked on this agreement with Sandra Solin to monitor the Colorado Oil and Gas Conservation Commission. In response to Commissioner Conway, Mr. Barker stated Ms. Solin will monitor the Oil and Gas Association. Commissioner Freeman stated it is important to have someone who understands this, monitor it and give recommendations and he supports the

agreement. Commissioner Moreno stated he supports the agreement. In response to Commissioner Conway, Chair Kirkmeyer stated she will assist with monitoring and writing reports and sending recommendations to the Board. Commissioner Conway stated he would like Ms. Solin to have more communication with the Board and hold a meeting with her every two weeks. Commissioner Freeman stated he is not in favor of having extra meetings. Chair Kirkmeyer stated she will set up a work session with Ms. Solin in the next couple of weeks. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

 11) SECOND READING OF WELD COUNTY ORDINANCE #2019-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 8 PUBLIC WORKS, OF THE WELD COUNTY CODE (*MS4*): Commissioner Conway moved to read Code Ordinance #2019-05 by title only. The motion was seconded by Commissioner Freeman, and it carried unanimously. Mr. Barker read the title for the record. Lyndsey Holbrook, Department of Public Works, stated no changes have been made since the First Reading. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve Code Ordinance #2019-05 on Second Reading. The motion was seconded by Commissioner James, and it carried unanimously.

 12) SECOND READING OF WELD COUNTY ORDINANCE #2019-06, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION, OF THE WELD COUNTY CODE (*DISPOSITION OF RECOVERED PROPERTY*): Commissioner Freeman moved to read Code Ordinance #2019-06 by title only. Seconded by Commissioner Conway, the motion carried unanimously. Mr. Barker read the title for the record. Mr. Choate stated no changes have been made since the First Reading. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2109-06 on Second Reading. Seconded by Commissioner Moreno, the motion carried unanimously.

 13) FIRST READING OF WELD COUNTY ORDINANCE #2019-08, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION AND CHAPTER 5 REVENUE AND FINANCE, OF WELD COUNTY CODE (*PROCUREMENT POLICIES*): Ms. Connolly detailed the modifications and guidelines for purchasing practices for Section 5-4-40 and noted there is a work session scheduled for June 10, 2019. Commissioner Moreno expressed his appreciation to Elizabeth Relford, Department of Public Works, and to Toby Taylor, Director of the Department of Buildings and Grounds, for their hard work on this Ordinance. No public testimony was offered concerning this matter. Commissioner Moreno moved to approve Code Ordinance #2019-08 on First Reading. Seconded by Commissioner James, the motion carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2019-05 and #2019-06 were approved on Second Reading, and Code Ordinance #2019-08 was approved on First Reading.

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

There being no further business, this meeting was adjourned at 9:49 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