

**RECORD OF PROCEEDINGS**

**MINUTES**

**BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO  
MONDAY, FEBRUARY 3, 2020**

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, February 3, 2020, 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 Mike Freeman, Chair  
Commissioner Steve Moreno, Chair Pro-Tem  
Commissioner Scott K. James  
Commissioner Barbara Kirkmeyer  
Vacant Commissioner Position

Also present:

County Attorney, Bruce Barker  
Clerk to the Board, Esther Gesick  
Controller, Barbara Connolly

**MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of January 29, 2020, as printed. Commissioner James seconded the motion, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner Kirkmeyer moved to approve the Certification of Hearings conducted on January 29, 2020, as follows: 1) USR18-0086 – Jose Carbajal Castillo and Carolina Salinas Corona, 2) PUDZ18-0006 – Alf Equinox Todd Creek Village North, LLC, and 3) MET19-0003 – Dry Creek Metropolitan District No. 1. Commissioner James seconded the motion, which carried unanimously.

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

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

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

**WARRANTS:**

1) GENERAL WARRANTS – JANUARY 31, 2020: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

**BIDS:**

1) PRESENT BID #B2000064, TREE TRIMMING AND TREE REMOVAL MAINTENANCE CONTRACT – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Purchasing Department, stated there were 29 suppliers who downloaded specifications and two (2) bids were received. Staff will review and make a recommendation on February 19, 2020.

**NEW BUSINESS:**

1) CONSIDER REVISIONS TO BYLAWS FOR HUMAN SERVICES ADVISORY COMMISSION: Karin McDougal, Assistant County Attorney, reviewed the revisions, including term limits for the members, succession language for officers, and the duties for the secretary position. Commissioner Moreno moved to approve said bylaws. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

2) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR PAYMENT OF FEDERAL MINERAL LEASE FUNDS FOR WATER TESTING PROGRAM FUNDING AND AUTHORIZE CHAIR TO SIGN – FEDERAL MINERAL LEASE ACT DISTRICT: Don Warden, Director of Finance and Administration, stated federal funds of \$1.5 million have been received and the Federal Mineral Lease Board recommends allocating \$50,000.00 to allow Weld County residents to request testing on water wells near oil and gas operations. He stated the testing is processed through the Department of Public Health and Environment and this is the seventh year of the program. In response to Commissioner Kirkmeyer, Mr. Warden confirmed the Board will receive a report concerning the number of water wells tested. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.

3) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR PAYMENT OF FEDERAL MINERAL LEASE FUNDS FOR ROAD IMPROVEMENTS PROJECT FUNDING AND AUTHORIZE CHAIR TO SIGN – FEDERAL MINERAL LEASE ACT DISTRICT: Mr. Warden stated this agreement allocates \$1,450,000.00 for improvements to haul routes utilized by the oil and gas industry. He noted staff has identified \$3 million worth of projects. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously. Chair Freeman urged staff ensure the continuation of water testing, regardless of increased financial requirements. Commissioner Kirkmeyer requested staff provide the Board with proof of water treatment usage and funding in order to continue the project.

4) CONSIDER CONVERTING I-25 CORRIDOR PROJECT LOCAL FUNDING TO LOCAL FUNDING TO PURCHASE AWARDED CONGESTION MITIGATION AIR QUALITY (CMAQ) VEHICLES WITHOUT FEDERAL RESTRICTIONS: Mr. Warden presented the grants awarded through the Upper Front Range Regional Transportation Plan and North Front Range Transportation to CMAQ for the purchase of natural gas vehicles. He declared CMAQ also entered into an interagency agreement with CDOT for I-25 corridor projects from State Highways 402 to 14. Staff committed \$3 million to the project and remitted \$2 million to CDOT, with the remaining \$1 million awaiting remittance in the coming year. The U.S. Department of Transportation is no longer offering Buy America Waivers, which prevented Weld County's purchase of natural gas vehicles. Mr. Warden stated CDOT is allowing the conversion of funding for the I-25 project to funding for CMAQ vehicles. In response to Commissioner Moreno, Elizabeth Relford, Deputy Director of Department of Public Works, clarified the total funds will be closer to \$3.5 million after the local match, covering the difference shown in Exhibit B of the Resolution. Commissioner Kirkmeyer expressed her gratification for staff's efforts to achieve the conversion of funding and agreed with Mr. Warden in stating the Resolution is vital for reference by future boards. Commissioner Kirkmeyer moved to approve said Resolution. Commissioner Moreno seconded the motion, and it carried unanimously.

5) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR GRANTING OF NATURAL GAS VEHICLES AS SUBSTITUTED PASS-THROUGH CONGESTION MITIGATION AIR QUALITY (CMAQ)

GRANT FUNDS AND AUTHORIZE CHAIR TO SIGN – TOWN OF PLATTEVILLE: In reference to the CMAQ vehicle conversion Resolution approved as Item #4 above, Mr. Warden discussed Exhibit B, which lists the acquired vehicles and the funding mechanism supporting the five (5) agencies. The first agreement pertains to the two (2) 3/4-ton pickups for the Town of Platteville, who will pay the agreed local match of 12.21%. Ms. Relford shared the Town of Platteville originally requested one (1) pickup and one (1) SUV, but the SUV was not bid upon, resulting in an alteration of their request to reflect two (2) pickups. Commissioner Kirkmeyer was proud to support the other agencies and ensure they receive their vehicles. The motion to approve said agreement and authorize the Chair to sign, was made by Commissioner Kirkmeyer, seconded by Commissioner James, and it carried unanimously.

6) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR GRANTING OF NATURAL GAS VEHICLES AS SUBSTITUTED PASS-THROUGH CONGESTION MITIGATION AIR QUALITY (CMAQ) GRANT FUNDS AND AUTHORIZE CHAIR TO SIGN – TOWN OF GILCREST: Mr. Warden provided the request is for a 1/2-ton 4x4 pickup. Commissioner Kirkmeyer moved to approve said agreement and authorize Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

7) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR GRANTING OF NATURAL GAS VEHICLES AS SUBSTITUTED PASS-THROUGH CONGESTION MITIGATION AIR QUALITY (CMAQ) GRANT FUNDS AND AUTHORIZE CHAIR TO SIGN – TOWN OF KERSEY: Mr. Warden stated the request is for a 1/2-ton 4x4 pickup. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

8) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR GRANTING OF NATURAL GAS VEHICLES AS SUBSTITUTED PASS-THROUGH CONGESTION MITIGATION AIR QUALITY (CMAQ) GRANT FUNDS AND AUTHORIZE CHAIR TO SIGN – SOUTHEAST WELD FIRE DISTRICT: Mr. Warden provided the request for a 3/4-ton 4x4 pickup. He stated a SUV was also requested, but no bids were received, and Ms. Relford stated the South Weld Fire District would like to rebid at a later time. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

9) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR GRANTING OF NATURAL GAS VEHICLES AS SUBSTITUTED PASS-THROUGH CONGESTION MITIGATION AIR QUALITY (CMAQ) GRANT FUNDS AND AUTHORIZE CHAIR TO SIGN – WELD SCHOOL DISTRICT RE-9 (HIGHLAND): Mr. Warden stated a school bus was requested and referenced Exhibit B for the final amount. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

10) CONSIDER MODIFICATION OF GRANT AGREEMENT FOR NOXIOUS WEED TREATMENT AND AUTHORIZE CHAIR TO SIGN: Tina Booton, Pest and Weed Division, declared the 2019 agreement with the United States Forest Service, Pawnee National Grasslands, entails an additional \$20,000.00 for work needed for the subsequent four (4) years. Commissioner James moved to approve said grant agreement and authorize the Chair to sign. Commissioner Moreno seconded the motion, and it carried unanimously.

11) CONSIDER TEMPORARY CLOSURE OF CR 8 FROM STATE HWY 79 EAST TO HIGHWAY'S END: Ms. Relford presented the temporary closure of County Road 8 for a culvert replacement from February 10, 2020, to February 14, 2020, resulting in a new 18-inch corrugated steel arch-pipe. Commissioner Kirkmeyer moved to approve said temporary closure. The motion was seconded by Commissioner Moreno, and it carried unanimously.

12) CONSIDER TEMPORARY CLOSURE OF CR 29 BETWEEN CRS 42 AND 44: Ms. Relford discussed the temporary closure of CR 29 for a culvert replacement from February 10, 2020, to February 14, 2020, resulting in a new 15-inch corrugated steel arch-pipe. Water will be utilized for dust prevention in said location. Commissioner Moreno moved to approve said temporary closure and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

**PLANNING:**

1) FINAL READING OF CODE ORDINANCE #2019-18, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 26 REGIONAL URBANIZATION AREAS, OF THE WELD COUNTY CODE: Commissioner Kirkmeyer moved to read by title only and Commissioner James seconded the motion, which carried unanimously. Bruce Barker, County Attorney, read said title for the record. Tom Parko, Director of Planning Services, declared an alteration was made at Second Reading regarding master plans with the Weld County Department of Public Health and Environment, showing the location of wells and septic systems. Chair Freeman opened the hearing to the public, but no changes were made after Second Reading. Commissioner Moreno moved to approve said Ordinance and authorize the Chair to sign. The motion, which was seconded by Commissioner James, and it carried unanimously.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2019-18 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 9:21 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

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Mike Freeman, Chair

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Steve Moreno, Pro-Tem

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VACANT

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

\_\_\_\_\_  
Barbara Kirkmeyer