

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, APRIL 28, 2021

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, April 28, 2021, at the hour of 9:00 a.m.

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

Commissioner Steve Moreno, Chair  
Commissioner Scott K. James, Pro-Tem  
Commissioner Perry L. Buck  
Commissioner Mike Freeman  
Commissioner Lori Saine

Also present:

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

**MINUTES:** Commissioner James moved to approve the Minutes of the Board of County Commissioners meeting of April 26, 2021, as printed. Commissioner Saine seconded the motion, and it carried unanimously.

**PUBLIC INPUT:** Steve Teets, Greeley resident, inquired on the status of various items of legislation. Commissioners James and Freeman explained Initiative 16 has a proposed title (Colorado Treatment of Animals, also known as the PAUSE [Protect Animals from Unnecessary Suffering and Exploitation] initiative), must obtain 124,000 signatures and has been appealed to the Colorado Supreme Court to see if it meets the single item requirement in order to be placed on the ballot. Chair Moreno commented there are numerous other pieces of legislation that are very concerning, and Weld County and Colorado Counties Inc. (CCI) have lobbyists to argue against some of them. Lastly, Commissioner James offered to meet with Mr. Teets following the meeting to review the COVID-19 dashboard and provide current data.

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

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

**WARRANTS:**

1) GENERAL WARRANTS – APRIL 27, 2021: Commissioner Saine moved to approve the General Warrants, with the exclusion of the Airport Authority items. Commissioner James seconded the motion, and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2100064, ON-SITE MEDICAL CLINIC SERVICES – DEPARTMENT OF HUMAN RESOURCES (CONT'D FROM 4/21/2021): Rob Turf, Purchasing Department, stated six (6) proposals were received, and after a quality-based selection review period, staff recommends selecting Everside Health, which met all specifications, for a total amount of \$2,359,629.00 for a three-year term of services. In response to Commissioner Freeman, Mr. Turf confirmed the low bid did not meet specifications. Commissioner Freeman moved to approve said bid. Seconded by Commissioner James, the motion carried unanimously.

2) APPROVE BID #B2100078, EMULSION DUST CONTROL AGENT – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed staff's recommendation to select Cobitco, Inc., the low bidder meeting specifications, for a total amount of \$97,350.00, which is below budget. Commissioner James moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) APPROVE BID #B2100080, VMWARE MAINTENANCE AND SUPPORT – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, introduced Saitech, Inc., as the low bidder selected by staff and confirmed they meet all specifications, for the amount of \$74,768.00. The motion to approve said bid was made by Commissioner Freeman, seconded by Commissioner Buck, and it carried unanimously.

4) APPROVE BID #B2100081, INFOBLOX BLOXONE AND TRINZIC MAINTENANCE AND SUPPORT – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose stated staff recommends selecting the lowest bidder who met specifications, Zivaro, Inc., for a total amount of \$42,249.63. Commissioner James moved to approve said bid. The motion, which was seconded by Commissioner Buck, carried unanimously.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #4630 FOR YOUTH AT-RISK OF HOMELESSNESS SUMMATIVE EVALUATION PHASE (YARH-3) PATHWAYS TO SUCCESS GRANT PROJECT AND AUTHORIZE CHAIR TO SIGN – CENTER FOR POLICY RESEARCH: Jamie Ulrich, Director of the Department of Human Services, explained Employment Services is seeking to participate as a comparative site for the Pathways to Success Program. Commissioner Freeman moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Buck and it carried unanimously.

2) CONSIDER CONTRACT ID #4632 COOPERATIVE AGREEMENT FOR ADULT PROTECTIVE SERVICES AND AUTHORIZE CHAIR TO SIGN – TOWN OF FIRESTONE POLICE DEPARTMENT: Ms. Ulrich stated the non-financial agreement is to clarify the coordinated duties and responsibilities to investigate mistreatment of at-risk adults. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

3) CONSIDER CONTRACT ID #4635 AGREEMENT FOR RECREATIONAL AND EDUCATIONAL SERVICES FOR COLORADO WORKS SUMMER ACTIVITIES PROGRAM AND AUTHORIZE CHAIR TO SIGN – CARBON VALLEY PARKS AND RECREATION DISTRICT: Ms. Ulrich stated the agreement is to supply \$125.00 vouchers to eligible youth for summer educational or recreational activities. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER CONTRACT ID #4675 AGREEMENT FOR TECHNOLOGY PARTNERSHIP THROUGH TECHNOLOGY EMPLOYMENT IN COLORADO PARTNERSHIP 2.0 GRANT PROGRAM AND AUTHORIZE CHAIR TO SIGN – CITY AND COUNTY OF DENVER: Ms. Ulrich explained this agreement will establish Employment Services of Weld County as a contractor of the grant focusing on developing the skills and career pathways for longer term unemployed workers in the Information Technology, Advanced Manufacturing, and Transportation industries. She further stated Employment Services will be reimbursed up to \$555,000.00 for providing employment and training services for the term beginning February 1, 2021, through January 31, 2025. Commissioner James moved to approve said agreement and authorize the Chair to sign. Commissioner Saine seconded the motion and it carried unanimously.

5) CONSIDER AMENDMENT #1 TO MEMORANDUM OF UNDERSTANDING FOR COORDINATION OF CERTAIN PROCEDURES BETWEEN WELD COUNTY'S 1041 WOGLA PERMITTING AND COLORADO OIL AND GAS CONSERVATION COMMISSION'S OIL AND GAS DEVELOPMENT PLAN AND COMPREHENSIVE AREA PLAN PERMITTING PROCESSES, AND AUTHORIZE CHAIR TO SIGN: Jason Maxey, Director of the Department of Oil and Gas Energy, stated the original Memorandum of Understanding was approved on August 28, 2019; however, since that time the Colorado Oil and Gas Conservation Commission adopted many rulemaking changes, and Weld County has updated its Code. Thus, this amendment provides a framework for more efficient permitting activities, better review periods, certainty for the industry for increased activity and it allows the Weld County Code to be upheld. The Commissioners, in turn, thanked staff, as well as current and former Commissioners for the amount of time spent working to improve the County's working relationship with the State. They acknowledged a new level of staff expertise at both the county and state levels in providing protection, service, and consistency to the industry, and ensuring consistent tax revenue for local government and schools. Bruce Barker, County Attorney, agreed it has required a lot of hard work by the Oil and Gas Energy Department staff and COGCC Director, Jeff Robbins, for working through the Rulemaking, as well as input from the Colorado Oil and Gas Association (COGA). The motion to approve said amendment and authorize the Chair to sign was made by Commissioner Saine, seconded by Commissioner James, and it carried unanimously.

6) CONSIDER CONTRACT ID #4694 AGREEMENT FOR REMOVAL OF TANK BATTERY AND ASSOCIATED FLOWLINES FOR BRIDGE 54/13A REPLACEMENT PROJECT AND AUTHORIZE CHAIR TO SIGN – KERR-MCGEE OIL AND GAS ONSHORE, LP: Mike Bedell, Department of Public Works, introduced an agreement for the replacement of Bridge 54/13A over the Big Thompson River. He explained County Road (CR) 54 is classified as a major arterial, therefore, the bridge will be taller to meet current floodplain and hydraulic requirements, as well as wider to accommodate a potential four-lane requirement at this location. Mr. Bedell stated the consultant's design is approximately 60% complete, staff estimates the project to be under construction in approximately two (2) years, following right-of-way acquisition and easement coordination, and he reviewed other costs associated with the project. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Saine and it carried unanimously.

7) CONSIDER CONTRACT ID #4718 CONTRACT FOR I-76 AND CR 8 INTERCHANGE REVIEW PROJECT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Elizabeth Relford, Chief Deputy Director of the Department of Public Works, explained under this contract Weld County will be the local governmental applicant, on behalf of the Burlington Northern Santa FE (BNSF) Railroad, for the 1601 interchange process. She stated this is required by the Colorado Department of Transportation (CDOT) as part of the \$15,000.00 pass-through invoicing process, so essentially there is no cost to the County. Commissioner James thanked staff for all of their efforts working through a very complicated process, which will result in a good transportation opportunity in the area. Commissioner Saine moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

8) CONSIDER CONTRACT ID #4719 APPLICATION TO REMOVE EXISTING ACTIVE WARNING SIGNALS AND GATES, CROSSING SURFACE AND ROAD APPROACHES, TO CLOSE EXISTING CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD (UPRR) COMPANY, CROSSING CR 44, AND AUTHORIZE CHAIR TO SIGN: Ms. Relford stated this application will be submitted by CDOT, on behalf of Weld County, to the Public Utilities Commission for the UPRR crossing closure of CR 44, for a total cost of \$190,000.00, which is contingent on completion of the Peckham grade separation, followed by actual vacation of the right-of-way. Commissioner James moved to approve said application and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.

9) CONSIDER CONTRACT ID #4720 APPLICATION TO REMOVE EXISTING PASSIVE WARNING SIGNS, CROSSING SURFACE AND ROAD APPROACHES, TO CLOSE EXISTING CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD (UPRR) COMPANY, CROSSING CR 33, AND AUTHORIZE CHAIR TO SIGN: Ms. Relford discussed this request is similar to the previous item for closing of the UPRR crossing of CR 33, also related to the Peckham interchange. She confirmed the right-of-way will be vacated following the interchange improvements, and there is no cost to the County. Commissioner James moved to approve said application and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

**PLANNING:**

1) CONSIDER RESUBDIVISION, RES21-0003, TO VACATE VALLEY VIEW ACRES SUBDIVISION AND DEDICATED PERPETUAL RIGHTS-OF-WAY – CACTUS HILL RANCH COMPANY, C/O NELS NELSON: Mr. Barker explained Section 24-9-90 provides an exception to notification requirements of Section 24-9-40, because this is a full vacation of a platted Subdivision. Kim Ogle, Department of Planning Services, provided a brief description of the location of the 17-acre parcel, and noted the approved plat was perfected for fourteen (14) residential lots, including three internal roadways identified as Valley View Drive, Longs Peak Drive, and Donetta Drive. He further confirmed the development was never constructed and the land is still utilized for active agricultural production. Mr. Ogle stated staff received a written request from the current property owner, Cactus Hill Ranch Company, c/o Nels Nelson, to vacate the subdivision plat, including the dedicated perpetual rights-of-way and easements, for the Valley View Acres Subdivision. He also referenced the submitted Land Survey plat which meets current Subdivision regulations.

Kelsey Bruxvoort, AGPROfessionals, represented the applicant and was available to answer questions.

Commissioner Freeman moved to vacate the Valley View Acres Subdivision and dedicated perpetual rights-of-way. The motion was seconded by Commissioner Buck 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 9:36 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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Steve Moreno, Chair

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Scott K. James, Pro-Tem

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Perry L. Buck

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EXCUSED DATE OF APPROVAL  
Mike Freeman

\_\_\_\_\_  
Lori Saine