

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, JUNE 30, 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, June 30, 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 - EXCUSED
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 Saine moved to approve the Minutes of the Board of County Commissioners meeting of June 28, 2021, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

PUBLIC INPUT: Steve Teets, Greeley resident, relayed the City of Thornton met last night regarding the water pipeline project, and although unable to attend, Mr. Teets called the City's project representative and expressed his concerns. Mr. Teets thanked the Weld County Board of County Commissioners for their denial in support of Weld county residents.

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

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

PRESENTATIONS:

1) RECOGNITION OF SERVICES, BOARD OF PUBLIC HEALTH – KATERIE LAUCK: Chair Moreno read the certificate recognizing Ms. Lauck for her voluntary services to the citizens of Weld County.

2) RECOGNITION OF SERVICES, BOARD OF RETIREMENT – BARBARA CONNOLLY: Chair Moreno read the certificate recognizing Ms. Connolly for her 16 years of voluntary services to the employees of Weld County. *(The group gathered for a photo opportunity.)*

3) RECOGNITION OF SERVICES, PLANNING COMMISSION – GENE STILLE: Chair Moreno read the certificate recognizing Mr. Stille for his voluntary services on the Planning Commission for the citizens of Weld County.

4) RECOGNITION OF SERVICES, BOARD OF ADJUSTMENT – TERRY CROSS AND MICHAEL WAILES: Chair Moreno read the certificate recognizing Mr. Wailes, who was present, and Mr. Cross for their voluntary services to the citizens of Weld County. (*Clerk's Note: The group gathered for a photo opportunity.*)

5) RECOGNITION OF SERVICES, COMMUNITY CORRECTIONS BOARD – MIKE GUTHRIE: Chair Moreno read the certificate recognizing Mr. Guthrie for his voluntary services of eight (8) years to the citizens of Weld County.

WARRANTS:

1) GENERAL WARRANTS – JUNE 29, 2021: Commissioner Freeman moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion. Upon a roll call vote, the motion passed three (3) to one (1), with Commissioner Saine opposed.

BIDS:

1) REJECT BID #B2100104, TANDEM AXLE TANK TRAILER WITH DUST PALLIATIVE SPRAY SYSTEM (QTY 2) – DEPARTMENT OF PUBLIC WORKS (CONSIDERATION FOR APPROVAL RESCHEDULED FROM 7/12/2021): Rob Turf, Purchasing Department, explained there is a nation-wide chip shortage, one (1) bid was received, and staff reviewed the proposal and recommends the bid be rejected. He stated the proposal does not meet specifications, and the bid is over budget by \$35,872.00 each; therefore, per Section 5-4-110.D of the Weld County Code, staff is recommending the Board waive the 10-day waiting period, reject the bid submitted and rebid. Commissioner Freeman moved to reject said bid. Commissioner Buck seconded the motion, and it carried unanimously.

2) PRESENT BID #B2100106, 2021 PAVEMENT SMOOTHNESS TESTING AND GRINDING - DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated 20 suppliers downloaded the specifications, presented the sole bid received, and stated staff will review and make a recommendation on July 14, 2021.

3) PRESENT BID #B2100107, CISCO WIRELESS CONTROLLERS – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, introduced the three (3) bids received, which staff will review and make a recommendation on July 14, 2021.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #4860 AMENDMENT #1 TO INTERGOVERNMENTAL AGREEMENT FOR AGING AND DISABILITY RESOURCES FOR COLORADO (ADRC) TRANSITION-RELATED REFERRALS AND OPTIONS COUNSELING AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Jamie Ulrich, Director of the Department of Human Services, explained the amendment will expand the capacity of ADRC to respond to referrals and provide options counseling to individuals in facilities who wish to relocate to a community setting. Commissioner Buck moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Saine, the motion carried unanimously.

2) CONSIDER CONTRACT ID #4867 OPERATION MEMORANDUM OF UNDERSTANDING FOR ADMINISTRATION OF LOW-INCOME ENERGY ASSISTANCE PROGRAM (LEAP) BY GOODWILL COLORADO AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich stated this opportunity is in lieu of

self-administering the LEAP program. Commissioner Freeman moved to approve said Memorandum of Understanding and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER CONTRACT ID #4876 MEMORANDUM OF UNDERSTANDING FOR WELD COUNTY EARLY CHILDHOOD EXECUTIVE COUNCIL MEMBERSHIP AND AUTHORIZE DEPARTMENT OF HUMAN SERVICES REPRESENTATIVE TO SIGN: Ms. Ulrich stated this MOU designates Ana Corthius to serve two (2) years as the department representative on the Early Childhood Executive Council. Commissioner Buck moved to approve said Memorandum of Understanding and authorize the Chair to sign, which was seconded by Commissioner Saine, and it carried unanimously.

4) CONSIDER CONTRACT ID #4878 MEMORANDUM OF UNDERSTANDING TO ESTABLISH PROTOCOL FOR EDUCATIONAL COST REIMBURSEMENT FOR YOUTH PLACED IN OUT-OF-STATE FACILITIES AND AUTHORIZE CHAIR TO SIGN – WELD COUNTY SCHOOL DISTRICT 6: Ms. Ulrich stated the MOU outlines the educational costs for youth placed outside of District 6 during the 2020-2021 school year. The motion to approve said Memorandum of Understanding and authorize the Chair to sign was made by Commissioner Saine, seconded by Commissioner Freeman, and it carried unanimously.

5) CONSIDER CONTRACT ID #4882 LICENSE AGREEMENT FOR VARIOUS PROGRAMS AND AUTHORIZE CHAIR TO SIGN – THE SELF-MANAGEMENT RESOURCE CENTER: Ms. Ulrich stated the license allows the Area Agency on Aging to continue providing chronic disease self-management workshops to older adults. Commissioner Buck moved to approve said license agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

6) CONSIDER QUOTE FOR TENT RENTALS AT WELD COUNTY FAIR AND AUTHORIZE CHAIR TO SIGN – BOULDER TENT RENTALS: Jenette Masarie, Fair Coordinator, explained the tent rentals are for the pig and cattle show rings. In response to Commissioner Freeman, Ms. Masarie confirmed these are the same tents as last year to conduct the shows outside, which was a popular new experience gained from last year. Commissioner Freeman moved to approve said quote and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

7) CONSIDER RADIO PACKAGE CONTRACT FOR PROMOTION OF 2021 WELD COUNTY FAIR AND AUTHORIZE CHAIR SIGN – KFKA 1310: Ms. Masarie stated KFKA will be promoting fair events. Commissioner Freeman moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

8) CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES FOR HORSE AND CARRIAGE SERVICES AT WELD COUNTY FAIR AND AUTHORIZE CHAIR TO SIGN – MOUNTAIN SHADOWS CARRIAGES, C/O DARIN HENRY: Ms. Masarie stated the carriage rides have been a popular attraction used in the past. In response to Commissioner Freeman, Ms. Masarie confirmed many of the standard vendors, the Family Day BBQ, and Senior Day are being reinstated following the COVID-19 scale back. She relayed there are already 1,200 entries and the entry deadline doesn't close until July 16th. On behalf of the Board, Chair Moreno expressed pride in Weld County's ability to host a fair last year, despite COVID-19 restrictions. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign, which was seconded by Commissioner Buck, and it carried unanimously.

9) CONSIDER TEMPORARY CLOSURE OF INTERSECTION AT CRS 58 AND 53: Amy Mutchie, Department of Public Works, stated the intersection will be closed from July 6, 2021, through September 2, 2021, to construct turn lanes and intersection improvements, and paving and striping for USR-1687 requirements. She stated full closure will reduce overall interruption to the public and provide

a safer construction environment. She relayed the contractor has contacted local emergency services (Kersey Fire) to accommodate their needs, and will accommodate agriculture operators. Ms. Mutchie relayed the detour is paved, and message boards will be placed at both directions on CR 53 and CR 58, through the duration of the closure. In response to Chair Moreno, Ms. Mutchie recognized this is a lengthy closure and confirmed the dates account for unexpected delays, but the contractor will strive to reopen the intersection as soon as possible. Commissioner Freeman moved to approve said temporary closure. Commissioner Saine seconded the motion, and it carried unanimously.

10) CONSIDER TEMPORARY CLOSURE OF CR 4 BETWEEN CRS 19 AND 21: Ms. Mutchie relayed this request is made on behalf of Public Service Company of Colorado, to close the intersection from July 12, 2021, through July 31, 2021, for federally mandated pipeline maintenance in front of their facility. She stated all local access will be accommodated along CR 4, and the gravel detour route will be maintained with water for dust control. Commissioner Saine moved to approve said temporary closure. Commissioner Buck seconded the motion, and it carried unanimously.

11) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – ALLEGIANCE RANCH AND EQUINE RESCUE, INC.: Gloria Timmons, applicant representative, stated this is her third year to request a special events permit, she described their organization is to help at-risk horses and retrain them to work with military veterans, first responders and their families, providing activities to them, which include riding lessons, special events and monthly veteran gatherings. Ms. Timmons shared this event is their largest fundraiser of the year and she expressed her thanks for allowing a smaller gathering last year despite COVID-19, and submitted a brochure. Bob Choate, Assistant County Attorney, stated the proposed event is scheduled for Saturday, July 17, 2021, from 6:30 p.m. to 10:00 p.m., and there were no referral concerns or concerns related to past events. Steve Teets, Greeley resident, expressed his support of the program for the benefit of veterans. Commissioner Saine moved to approve said permit and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

12) CONSIDER RENEWAL APPLICATION FOR AN OPTIONAL PREMISES (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – IHRF, INC.: Mr. Choate stated this is a renewal application for an Optional Premises License on a property which is also permitted under First Minor Amended Use by Special Review Permit, 1MUSR18-17-0024, for a horse match racing facility. Mr. Choate explained, according to the referral from the Department of Planning Services and Zoning Enforcement, there is a current zoning violation case against the USR resulting from neighborhood complaints, which is pending scheduling, and the property has not yet been brought into compliance. He stated, according to the referral from the Sheriff's Office, they responded to a call for service at a large event held on May 5, 2021, for an ATV crash and an assault, both victims were transported to the hospital via private vehicle, as there is no ambulance onsite; however, the two (2) assault suspects were gone by the time Deputies arrived. Mr. Choate explained two (2) options available to the Board: 1) renew the Optional Premises license, or 2) set a public hearing to allow public comment on the request to renew the liquor license. Mr. Choate recommended setting a public hearing, and referenced Weld County Code Section 12-2-30 (renewal option) and provided its criteria, which would provide for evidence of probable cause as described in Section 12-2-40 to determine whether good cause exists to refuse to renew based on eight (8) factors (evidence of violation and lack of compliance). Mr. Choate explained he had received the video evidence of customers bringing alcohol onto the licensed premises, which is not allowed by the Colorado Liquor Code, evidence of over-consumption or over-serving, evidence of open container law offense, and more general evidence of non-compliance with an Optional Premises license. Mr. Choate went on to describe the optional premises license and how they work, citing Weld County Code Section 12-2-70, which, in this instance, ties the license to an outdoor sports and recreational facility that appears to be hosting truck and car shows and not horse racing as provided for in the USR. He displayed a PowerPoint presentation and reviewed the location of the site, and case history referencing videos of reckless driving, a concert, people in the back of a moving truck with open containers, over-consumption,

trucks doing donuts, bands on a stage, and noted this Board revoked the Dance Hall permit on August 5, 2020. He relayed the videos show evidence of violations of the Conditions of Approval of the USR, noting today, the evidence being shown is of non-compliance with the Optional Premises license. Mr. Choate detailed evidence of violation of Section 12-2-40.A, specifically customers bringing alcohol onto the premises (not purchased from the licensee), evidence of over-consumption or over-serving, evidence of violations of open container laws related to vehicles, and evidence of non-compliance with the purposes of the Optional Premises license. Ana Ornelas-Moreno, applicant, confirmed two (2) events were held that were not compatible with the USR permit. She relayed staff extended time for her to renew the liquor license and request an amendment to the USR, she stated the videos are a recap of three (3) different properties and three (3) different events, commenting that bloggers often reinstate media from previous events to advertise upcoming events. Ms. Ornelas relayed an agent from the State Liquor Enforcement Authority, contacted her to discuss the complaint and potential undercover investigations. In response to Chair Moreno, Mr. Choate recommended finding Probable Cause of a violation of Section 12-2-40.A has occurred, to allow time to mail notices and conduct a public hearing, and noted the license is currently good through August 1st. Commissioner Saine suggested a hearing date of July 21, 2021. Commissioner Freeman expressed concern with the validity of the video evidence and anonymous submittals, but stated he is in support of setting a public hearing to determine sound evidence. Bruce Barker, County Attorney, advised the Board to determine if the applicant is following the Liquor Code and stated the permitted USR for horse racing is a separate issue. Following discussion among the Board, Commissioner Saine inquired concerning whether there was a violation of consumption of alcohol brought onto premises and over-consumption which appeared in the videos. Mr. Choate acknowledged he can't prove whether the videos have been altered or when they were taken; however, after careful review of the videos, it is clear they were taken on the subject property. Chloe Rempel, Deputy Clerk to the Board, confirmed YouTube videos only reference when they are uploaded. Commissioner Saine moved to find that there have been some events occurring beyond the scope of the USR, with some evidence of over-consumption or liquor being brought from off-site and moved to set a public hearing for July 21, 2021, at 9:00 a.m., per Section 12-2-40.A. The motion was seconded by Commissioner Buck, and it carried unanimously.

13) CONSIDER RENEWAL APPLICATION FOR A FERMENTED MALT BEVERAGE OFF-PREMISES (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – 7-ELEVEN, INC., DBA 7-ELEVEN STORE 39510H: Mr. Choate described the location of the business, stated no concerns were received from the referral responses, and confirmed no representative was present. Commissioner Freeman moved to approve the renewal and authorize the Chair to sign said application and license. The motion was seconded by Commissioner Buck, and it carried unanimously.

14) CONSIDER APPOINTMENTS AND REASSIGNMENT TO BOARD OF ADJUSTMENT: Commissioner Freeman moved to approve said appointments and reassignment. Commissioner Saine seconded the motion, and it carried unanimously.

15) CONSIDER APPOINTMENTS AND REAPPOINTMENTS TO PLANNING COMMISSION: Commissioner Freeman moved to approve said appointments and reappointments. Commissioner Buck seconded the motion, and it carried unanimously.

16) CONSIDER REAPPOINTMENTS TO NORTHEAST COLORADO REGIONAL EMERGENCY MEDICAL AND TRAUMA SERVICES ADVISORY COUNCIL (RETAC): Commissioner Buck moved to approve said reappointments. Commissioner Freeman seconded the motion, and it carried unanimously.

17) CONSIDER APPOINTMENT TO WELD COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE (CDBGAC): Commissioner Freeman moved to approve said appointment. Commissioner Saine seconded the motion, and it carried unanimously.

18) CONSIDER APPOINTMENT TO GREELEY HOUSING AUTHORITY: Commissioner Saine moved to approve said recommended appointment. Commissioner Buck seconded the motion, and it carried unanimously.

PLANNING:

1) CONSIDER PARTIAL VACATION OF USE BY SPECIAL REVIEW PERMIT, USR15-0054 - NEVIN BYLER, KAREN BYLER, JALYNN BYLER, AND CHERIE BYLER: Maxwell Nader, Department of Planning Services, stated USR15-0054 currently encompasses the entire property, the request for a partial vacation was submitted by the property owner to satisfy Condition of Approve #1.B of Family Farm Division Permit, FFD21-0010, and which was conditionally approved by staff on May 21, 2021. Nevin Byler, applicant, stated they will keep the USR on the newly created, seven (7) acre Lot A. Commissioner Freeman moved to approve said partial vacation. Seconded by Commissioner Buck, the motion carried unanimously.

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

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

There being no further business, this meeting was adjourned at 09:59 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Steve Moreno, Chair

EXCUSED

Scott K. James, Pro-Tem

Perry L. Buck

Mike Freeman

Lori Saine