

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, DECEMBER 8, 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, December 8, 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 – EXCUSED  
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker  
Acting Clerk to the Board, Houston Aragon  
Controller, Chris D'Ovidio

**MINUTES:** Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of November 24, 2021, as printed. Commissioner James seconded the motion, and it carried unanimously.

**PUBLIC INPUT:** Lois Rice, Town of Frederick resident, requested the Board pass a Medical Resolution and spoke upon the Lesser Magistrate Doctrine.

Edwin Grant, City of Greeley resident, expressed his growing concern with unjust treatment from authorities, and further mentioned his concerns about illegal immigrants and people not abiding by the laws.

Steve Teets, City of Greeley resident, addressed the new strain of COVID-19 (Omicron) and questioned the federal policies for travel from areas with high concentrations of illness and he inquired into the policies for the Weld County Department of Public Health and Environment. In response to Mr. Teets' inquiry regarding transportation, Commissioner James relayed the Northern Front Range Metropolitan Planning Organization (NFRMPO) approved the Transportation Improvement Program (TIP) and various other road improvements.

Pastor Steven Grant, City of Evans resident, thanked the Board for their consideration of a Medical Freedom Proclamation for the individuals and businesses of Weld County and referenced the value of religious exemptions. Commissioner Saine agreed government is established to protect the liberties established by God, not by man, which should serve as a reminder of this being a stimulus for individuals and businesses who reside and operate in Weld County.

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

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

**PROCLAMATIONS:**

1) UNIVERSITY BULLDOGS DAY, CLASS 3A GIRLS VOLLEYBALL STATE CHAMPIONSHIP – DECEMBER 8, 2021: Chair Moreno read the proclamation for the record. Jared Rutiger, Head Coach, thanked the Board for their recognition, expressed the importance of the proclamation for the community, and thanked the parents for their support. Ryan Weber, Athletic Director, commended the team for their dedication and hard work. Jeff Casey, Principal, echoed the previous sentiments, and at the invitation of Chair Moreno, each of the team members, in turn, introduced themselves for the record. A Co-Captain of the team gave a brief overview of their season, thanked her teammates, and expressed her pride in how they came together to overcome their downfalls. She also thanked the coaches and assistant coaches for their devotion to supporting the team. The Commissioners, in turn, extended their congratulations to the team for their accomplishments and applauded their outstanding leadership skills and hard work as a part of Team Weld. *(Clerk’s Note: The group gathered for a photo opportunity.)*

**WARRANTS:**

1) GENERAL WARRANTS – DECEMBER 8, 2021: Commissioner James moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

2) COMMISSIONER WARRANTS – DECEMBER 7, 2021: Commissioner Buck moved to approve the Warrant as printed. Commissioner Saine seconded the motion, and upon a roll call vote, the motion passed with three (3) votes, as Commissioner James recused.

3) COMMISSIONER WARRANTS – DECEMBER 7, 2021: Commissioner James moved to approve the Warrant as printed. Commissioner Saine seconded the motion, and upon a roll call vote, the motion passed with three (3) votes, as Commissioner Buck recused.

4) COMMISSIONER WARRANTS – DECEMBER 7, 2021: Commissioner Buck moved to approve the Warrant as printed. Commissioner James seconded the motion, and upon a roll call vote, the motion passed with three (3) votes, as Chair Moreno recused.

**BIDS:**

1) APPROVE BID #B2100140, FIRE ALARM MESH RADIO EQUIPMENT – FACILITIES DEPARTMENT: Rob Turf, Purchasing Department, stated staff recommends approval of the low bid that met all specifications, from Tech Electronics, in the amount of \$33,570.00, with an additional annual monitoring fee of \$30.00 per month. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner James and it carried unanimously.

2) APPROVE BID #B2100143, 1417 O ST DEMOLITION PROJECT – FACILITIES DEPARTMENT: Mr. Turf stated six (6) bids were received and staff recommends awarding to the lowest bidder that met all specifications, American Demolition, Inc., in the amount of \$45,500.00. In response to Commissioner Saine, Mr. Turf confirmed there was no request for pricing on exclusions. Toby Taylor, Director of the Facilities Department, explained two (2) low bidders provided pricing for demolition, but no price for exclusions, and recommended a continuance of this item so it can be reviewed in further detail at a worksession with the Board. Commissioner Saine moved to continue said bid until December 15, 2021, at 9:00 a.m. The motion was seconded by Commissioner James and it carried unanimously.

3) PRESENT BID #B2100128, AERIAL IMAGERY – DEPARTMENT OF INFORMATION TECHNOLOGY: Jacob Mundt, Department of Information Technology, stated two (2) bids were received, and staff will review and come back with a recommendation for approval on December 22, 2021.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #5402 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – RYAN RUTLEDGE AND CASSY CRAWFORD: Karin McDougal, Assistant County Attorney, on behalf of Jamie Ulrich, Director of the Department of Human Services, stated this is a new respite service provider in Eaton, Colorado. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck and it carried unanimously.

2) CONSIDER CONTRACT ID #5411 AGREEMENT FOR CONSTRUCTION SERVICES FOR JAIL SHOWER FLOORING REPLACEMENT PROJECT (INFORMAL BID #B2100138) AND AUTHORIZE CHAIR TO SIGN – CSI-COATING SYSTEMS, INC.: Mr. Taylor stated this agreement was the result of an informal bid process for the Jail Flooring Replacement Project, with the low bid from CSI-Coating Systems, Inc., for the amount of \$20,640.00. He explained the bid was not previously presented to the Board because the amount is less than \$25,000.00. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

3) CONSIDER CONTRACT ID #5424 AGREEMENT FOR PROFESSIONAL SERVICES FOR WASH BAY BARRIER GATES (INFORMAL BID #B2100144) AND AUTHORIZE CHAIR TO SIGN – AMERICAN CONSTRUCTION SERVICES, LLC: Mr. Taylor stated this agreement is also the result of an informal bid process, with three (3) vendors responding to the bid for the Wash Bay Barrier Gates Project, and the low bid was from American Construction Services, LLC, for the amount of \$20,150.00. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER CONTRACT ID #5428 MANDATORY CONTRACT PROVISION AGREEMENT AND EQUIPMENT RENTAL AGREEMENT FOR TWO (2) 40-TON HAUL TRUCKS, AND AUTHORIZE CHAIR TO SIGN – 4 RIVERS EQUIPMENT: Curtis Hall, Deputy Director of the Department of Public Works, stated the agreements are for the rental of two (2) 40-ton haul trucks to be utilized for stockpiling pit run for surface gravel processing and reclamation at the Peters 313, Hokestra, Koskie, and Pierce North pits. He further explained the annual rental is for the total cost of \$291,000.00, which is under budget. Commissioner Buck moved to approve said agreements and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

5) CONSIDER DECLARING CERTAIN EQUIPMENT AS SURPLUS PROPERTY, APPROVE SALE OF SAME AT AUCTION WITH ROLLER AND ASSOCIATES, AND DELEGATE AUTHORITY TO CONTROLLER TO SIGN ANY NECESSARY DOCUMENTS: Chris D'Ovidio, Controller, explained the listed item was sold at auction on November 11, 2021. Commissioner James moved to approve declaring said equipment as surplus property, approve sale of same at auction, and authorize the Controller to sign any necessary documents. The motion was seconded by Commissioner Saine and it carried unanimously.

**PLANNING:**

1) CONSIDER APPEAL OF DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY ACCESS PERMIT FOR RECORDED EXEMPTION, RECX18-0075 – ERICA ARNOLD: Dawn Anderson, Department of Planning Services, gave an overview of the property layout and Access Permit denial by staff, based on former direction and action taken by a previous Board of County Commissioners. She explained RECX18-0075 was approved on August 6, 2018, with a condition of approval requiring a shared access. Ms. Anderson provided a summary of the site development history that included an appeal represented by AGPROfessionals, LLC, who identified the historical agricultural access would not be eliminated, so the appeal was withdrawn. She explained a survey error was later discovered which

indicated the historical access is on the neighboring property, and that owner has restricted access to Ms. Arnold; therefore, the only remaining legal access must cross Lot B to access Lot A.

Ms. Anderson further stated Ms. Arnold sold Lot B prior to understanding that she also sold her rights to the easement access with that sale; thus, Lot A is currently landlocked and she cannot maintain, nor utilize the property. She noted Staff was notified of access construction and issued a Stop Work Order, at which time Ms. Arnold submitted a new Access Permit for Lot A, which staff then denied based on the previous action taken by the Board. Ms. Anderson reviewed the average daily traffic count on County Road (CR) 388 and stated Lot A does not meet spacing criteria; however, staff has no sight distance concerns and is recommending a required recorded document in lieu of an updated plat and survey if this appeal is granted by the Board and an Access Permit is allowed.

In response to Commissioner James, Ms. Anderson reiterated the existing recorded easement for access to Lot A is on Lot B, and Ms. Arnold thought she had the historical access so she waived her rights to the easement before discovering the surveyor error and confirming the historical access is not part of Lot A. Michael Hall, Department of Planning Services, explained a vacation of easement document needs to be recorded.

Tara Campbell, appellant representative, confirmed the neighbor has removed the historical access by installing a permanent gate, which has left Lot A landlocked with no access. Commissioner Saine commented that the Code and philosophies have changed and she is not in favor of the appellant hiring another surveyor, but supports granting the appeal and an issuing an access permit. Bruce Barker, County Attorney, confirmed appropriate language for a motion. Commissioner James moved to approve granting said appeal, with a Condition of Approval stating, "The applicant shall submit a copy of the recorded document which vacates the 30-foot-wide access and utility easement, as dedicated on the Corrected Recorded Exemption, RECX18-0075, plat, recorded December 4, 2019, Reception #4546892. The vacation document shall be signed by the owners of Lots A and B of Corrected RECX18-0075." 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 10:06 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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EXCUSED DATE OF APPROVAL  
Perry L. Buck

\_\_\_\_\_  
EXCUSED  
Mike Freeman

\_\_\_\_\_  
EXCUSED DATE OF APPROVAL  
Lori Saine