

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MARCH 16, 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, March 16, 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 – EXCUSED
Commissioner Steve Moreno, Pro-Tem
Commissioner Scott K. James
Commissioner Barbara Kirkmeyer
Commissioner Kevin D. Ross

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Bri White
Controller, Barbara Connolly

MINUTES: Commissioner James moved to approve the minutes of the Board of County Commissioners meeting of March 11, 2020, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Ross moved to approve the Certification of Hearings conducted on March 11, 2020, as follows: 1) USR19-0058 – Orrlando, LLC, c/o Bucklen Services Company, 2) USR19-0070 – Tri-State Generation and Transmission Association, Inc., and 3) USR19-0060 – NGL Water Solutions DJ, LLC. Commissioner Kirkmeyer seconded the motion, which carried unanimously.

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

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

PUBLIC INPUT: No public input was given.

WARRANTS:

1) **GENERAL WARRANTS – MARCH 13, 2020:** Commissioner Ross moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2000016, MIDSIZED 4X4 SUPER/DOUBLE CAB PICKUP WITH 6-FOOT BED MAX WITH 78-INCHES (QTY 1) – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Spradley Barr Ford Lincoln of Greeley, Inc., for a total amount of \$26,343.00. Commissioner Ross moved to approve said bid. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

2) APPROVE BID #B2000082, CUSTODIAL SUPPLIES – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf stated staff requests a continuance date of March 23, 2020, for additional time to review the bid vendors and. Commissioner James moved to continue said bid. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) APPROVE BID #B2000059, ROADWAY WEATHER TOWERS – DEPARTMENT OF PUBLIC WORKS: Mr. Turf introduced Herbert Instrumentation Services as the sole bidder selected by staff and confirmed they met all specifications, for a total amount of \$254,956.00. Mr. Turf stated staff determined potential bidders did not bid on the project because they didn't have enough time to complete the project, the sub-contractor's primary contractor didn't submit a bid, and a limited number of contractors possess the necessary skills to complete the work. Commissioner Kirkmeyer moved to approve said bid. The motion, which was seconded by Commissioner Ross, carried unanimously.

4) APPROVE BID #B2000092, CONCRETE, WASHED ROCK, AND SQUEEGEE – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff recommends selecting the lowest bidder, J-2 Contracting Company, for the washed rock at a price of \$23.50 per ton and for the squeegee at a price of \$8.45 per ton. Mr. Turf also stated staff recommends selecting the lowest bidder who met specifications, Varra Companies, LLC, for exterior and pumpable Class D concrete at a cost of \$145.00 per yard and for Flowfill Concrete at a cost of \$117.00 per yard. Commissioner Ross moved to approve said bid. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

5) APPROVE BID #B2000097, 4X4 CAB AND CHASSIS (QTY 1) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed staff's recommendation to select Johnson Auto Plaza, the low bidder meeting specifications, for a total of \$79,942.00. In response to Commissioner James, Commissioner Kirkmeyer clarified the award amount is acceptable because of residual savings, even though it's over the \$50,000.00 budgeted amount. The motion to approve said bid, was made by Commissioner James, seconded by Commissioner Kirkmeyer, and it carried unanimously.

6) APPROVE BID #B2000056, CNG FORD F-150 4X4 QUAD CAB POLICE PACKAGE PREFERRED (QTY 1) – TOWN OF PLATTEVILLE POLICE DEPARTMENT: Mr. Turf introduced Spradley Barr Ford Lincoln of Greeley, Inc. as the low bidder selected by staff, for a total amount of \$45,549.00, and the Town of Platteville will provide a local match of \$7,838.00. Commissioner Ross moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

7) APPROVE BID #B2000076, CNG FORD F-150 CAB PICKUP (QTY 1) – SOUTHEAST WELD FIRE DISTRICT: Mr. Turf stated staff recommends selecting the lowest bidder, Spradley Barr Ford Lincoln of Greeley, Inc., for a total amount of \$50,463.00, and the Southeast Weld Fire District will provide a local match of \$17,989.96. Commissioner Ross moved to approve said bid. Seconded by Commissioner James, the motion carried unanimously.

8) APPROVE BID #B2000077, CNG 3/4-TON 4X4 FULL SIZE PICKUP (QTY 1) – SOUTHEAST WELD FIRE DISTRICT: Mr. Turf reviewed staff's recommendation to select Spradley Barr Ford Lincoln of Greeley, Inc., the low bidder, for a total of \$54,069.00, and the Southeast Weld Fire District will provide a local match of \$17,989.96. Commissioner James moved to approve said bid. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R8960369 – SAMUEL AND DIANE HAMED: Brenda Dones, Weld County Assessor, reviewed the location of the property, valued at \$226.00 per square foot, which resulted in an increased value per square foot when staff assessed the property with a neighboring commercial building. Ms. Dones stated the appropriate market value is approximately \$145.00 per square foot, compared to stand-alone office spaces, and staff also developed an appropriate market income approach at \$149.00 to \$162.00 per square foot. Ms. Dones expressed, after final review, staff determined \$155.00 per square foot is the appropriate property value. In response to Commissioner Moreno, Ms. Dones confirmed the property owners were not present. Commissioner Ross moved to approve, in-part, said petition. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

2) 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: Barbara Connolly, Controller, shared the items staff prepared for auction, as they are no longer in use. Commissioner Kirkmeyer moved to approve said resolution and authorize the Controller to sign any necessary documents. Seconded by Commissioner Ross, the motion carried unanimously.

3) SECOND READING OF CODE ORDINANCE #2020-02, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 17 PUBLIC PLACES AND CHAPTER 8 PUBLIC WORKS, OF THE WELD COUNTY CODE (*RIGHT-OF-WAY VACATION PETITIONS*): Commissioner Kirkmeyer moved to read by title only, seconded by Commissioner James, and the motion carried unanimously. Bruce Barker, County Attorney, read the title for the record and stated the ordinance transfers Petition for Vacation of Right-of-Way from Chapter 17 to Chapter 8, as well as removes the form from the appendix. No public input was provided. Commissioner James moved to approve said Code Ordinance on Second Reading. The motion, which was seconded by Commissioner Ross, carried unanimously.

PLANNING:

1) CONSIDER TWO-LOT RECORDED EXEMPTION, RECX20-0005 – CHARLES MCFARLIN, C/O MATHEW STUESSER: Chris Gathman, Department of Planning Services, introduced the applicant, Charles McFarlin, and stated the request to divide the property into two separate lots for the creation of a commercial or industrial lot. Mr. Gathman presented a PowerPoint and expressed primary concern for the number of Recorded Exemptions (RE) in Section 14, creating a total of 13 RE lots if RECX20-0005 is approved. In response to the Board's request, Melissa King, Department of Public Works, and Mr. Gathman reviewed the existing accesses and included additional information regarding the applicant's proposal for a shared access between Lots A and B along the section line right-of-way of unmaintained County Road (CR) 35.

Charles McFarlin, applicant, provided Exhibit A for the record, expressed his intent for said RE, and stated he has owned the property for 21 years. Mr. McFarlin confirmed staff's approval of an in-house only well on Lot A and a full-use well on Lot B, and he provided his licensure for septic system installation. In response to Commissioner Ross, Mr. McFarlin clarified CR 106 doesn't dead end, it enters into the Pawnee National Grasslands, so he proposes both Lots A and B access off of unmaintained CR 35. In

response to Commissioner Kirkmeyer, Ms. King detailed the applicant's proposal for an access easement on the section line of unmaintained CR 35 and Commissioner Kirkmeyer stated an easement is unnecessary, as the applicant needs the approval to utilize CR 35 instead. Dawn Anderson, Department of Public Works, confirmed the proposal for two access points onto unmaintained CR 35, but staff only requires permits for maintained roads. Ms. Anderson stated the permit in question would be the only permit at the intersection of CRs 35 and 106. Mr. McFarlin addressed Commissioner Kirkmeyer's question regarding the maintenance of CR 35, suggesting the future property owners could eliminate the use of CR 35 by installing a gravel driveway on the property, connecting the lots to CR 106.

Commissioner Kirkmeyer requested an agreement to improve and maintain right-of-way at CR 35 before it can be utilized as an access; however, she is not in support of RECX20-0005 for the reasons stated by staff, including the creation of a subdivision through multiple Recorded Exemption processes. Commissioner Ross agreed the number of access points should be limited and encouraged the creation of shared access points. Commissioner James explained proper planning has not been provided because the lots were not created through the subdivision process, which would have appropriately planned the access points, well water, and septic systems. Commissioner Moreno agreed with the statements provided by his fellow Commissioners. Commissioner Kirkmeyer moved to deny the application for a Two-Lot Recorded Exemption, RECX20-0005, for the reasons previously stated. Commissioner James seconded the motion, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance 2020-02 was approved on Second 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 9:51 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

EXCUSED
Mike Freeman, Chair

Steve Moreno, Pro-Tem

BY: _____
Deputy Clerk to the Board

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross