

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, FEBRUARY 28, 2022

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 28, 2022, 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 Scott K. James, Chair
Commissioner Mike Freeman, Pro-Tem
Commissioner Perry L. Buck
Commissioner Steve Moreno
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Houston Aragon
Chief Financial Officer, Cheryl Pattelli

MINUTES: Commissioner Moreno moved to approve the Minutes of the Board of County Commissioners meeting of February 14, 2022, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

PUBLIC INPUT: No public input was given.

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

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

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck commented there is a lot happening in the Department of Planning Services due to growth, and everything in the Department of Oil and Gas Energy is going well. All other Commissioners indicated all is well in their respective coordinated departments.

PROCLAMATIONS:

1) EATON REDS DAY, FUTURE FARMERS OF AMERICA (FFA) LIVESTOCK JUDGING TEAM STATE CHAMPIONS AND NATIONAL HONORS – FEBRUARY 28, 2022: Chair James read the proclamation for the record and requested the team introduce themselves for the record. Heidi Lanning, Coach, thanked the Board for their recognition and stated the team appreciates the honor. Each Commissioner, in turn, congratulated the team, acknowledged they make Weld County proud, and noted the team members are leaders in their school and community. Chair James stated he was President for the first FFA Class for Valley High School, and now 40 years later at the Colorado Counties, Inc., State

Convention meeting, which is ran with parliamentary procedure, the knowledge he gained through FFA is still pertinent in his current career. *(Clerk's Note: The group gathered for a photo opportunity.)*

WARRANTS:

1) GENERAL WARRANTS – FEBRUARY 25, 2022: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

2) COMMISSIONER WARRANTS – FEBRUARY 25, 2022: Commissioner Freeman moved to approve the Warrant, as printed. Commissioner Saine seconded the motion, and upon a roll call vote, the motion passed four (4) to one (1), with Commissioner Moreno recused.

3) COMMISSIONER WARRANTS – FEBRUARY 25, 2022: Commissioner Saine moved to approve the Warrant, as printed. Commissioner Moreno seconded the motion, and upon a roll call vote, the motion passed four (4) to one (1), with Commissioner Buck recused.

BIDS:

1) APPROVE BID #B2200045, AULT GRADER SHED CONSTRUCTION – FACILITIES DEPARTMENT: Rob Turf, Purchasing Department, stated staff's recommendation of approval goes to the low bidder, Landmark Builders, Inc., who met all specifications, for the total amount of \$898,419.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Saine, and it carried unanimously.

2) APPROVE BID #B2200050, ARCHITECTURAL ENGINEERING SERVICES FOR PROBATION OFFICES – FACILITIES DEPARTMENT *(TO BE CONT'D TO 3/7/2022)*: Mr. Turf stated staff is requesting this bid approval be continued to March 7, 2022, as interviews are still being conducted. Commissioner Moreno moved to continue said bid, per staff's request, to Monday, March 7, 2022, at 9:00 a.m. The motion was seconded by Commissioner Saine, and it carried unanimously.

3) APPROVE BID #B2200054, 2022 SIGN MATERIAL – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff's recommendation for approval goes to the lowest bidder, who met specifications, for each category. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #5612 INTERGOVERNMENTAL AGREEMENT FOR AULT GRADER SHED ACCESS (41150 TEAGAN AVE) AND AUTHORIZE CHAIR TO SIGN – TOWN OF AULT: Toby Taylor, Director of the Facilities Department, stated this will allow access to a new Grader Shed that is being constructed. He explained, currently, there is a shared property access off County Road (CR) 33, that will remain in effect for the duration of County ownership, and if the County should ever sell this property, the access will be dissolved at the Town of Ault's discretion. Mr. Lawley further stated this IGA also stipulates that Weld County can permit and inspect all County construction without having to go through the Town of Ault's third-party inspection firm, and identifies fees for water and sewage taps, which is a part of the construction. Commissioner Moreno moved to approve said intergovernmental agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CONTRACT ID #5623 AFFILIATION AGREEMENT FOR FAMILY PLANNING AND LONG-ACTING REVERSIBLE CONTRACEPTION (LARC) CLINICAL TRAINING AND AUTHORIZE CHAIR TO SIGN – DENVER HEALTH AND HOSPITAL AUTHORITY: Mark Lawley, Director of the Department of Public Health and Environment, stated this is a no-cost affiliation agreement allowing Colorado licensed, practicing providers to offer one-on-one clinical training and counseling for Nurse

Practitioners. In response to Commissioner Saine, Mr. Lawley clarified the definition of LARC, and in response to Commissioner Buck, he explained this is a preventative measure for family planning. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and upon a roll call vote, the motion carried four (4) to one (1), with Commissioner Saine opposed.

3) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – LIBERTARIAN PARTY OF COLORADO: Bruce Barker, County Attorney, stated this Special Events Permit is complete and ready for approval. Ronald Dotson, Technical Director of the Libertarian Party of Colorado, and member of the Convention Committee, shared his appreciation for review of their event. Commissioner Saine moved to approve said Special Events Permit and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

4) CONSIDER CONTRACT ID #5614 LETTER OF ACCEPTANCE AND STATEMENT OF WORK FOR 2021-2022 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Roy Rudisill, Director of the Office of Emergency Management, stated the County has been awarded Hazardous Materials Emergency Preparedness Grant funds for the October 2021 - September 2022 cycle. This grant provides funding in the amount of \$85,979.00, with the local matched requirement amount of \$21,495.00, which is included the budget, for the grand total amount of \$107,474.00. Commissioner Freeman moved to approve said Letter of Acceptance and Statement of Work and authorize the Chair to sign electronically. The motion, which was seconded by Commissioner Saine, carried unanimously.

5) CONSIDER CONTRACT ID #5607 RAILROAD HIGHWAY GRADE CROSSING CLOSURE AND MAINTENANCE AGREEMENT FOR CRS 46 AND 35 AND AUTHORIZE CHAIR TO SIGN – UNION PACIFIC RAILROAD (UPRR) COMPANY, AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT): Elizabeth Relford, Deputy Director of the Department of Public Works, stated this is another Closure and Maintenance Agreement for the closure of the railroad track crossings located at County Roads 46 and 35. She confirmed on January 30, 2022, the Public Utilities Commission (PUC) approved the application to close the railroad crossing that CDOT will perform, but this was not done simultaneously. Ms. Relford stated this closure will not commence until the Peckham Interchange Project is nearly complete, and therefore, the estimated time frame for the closure is in 2023. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

6) CONSIDER CONTRACT ID #5632 APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM GRANT FOR CRS 66 AND 41 INTERSECTION IMPROVEMENTS PROJECT (TIER II – MARCH CYCLE) AND AUTHORIZE ELECTRONIC SUBMITTAL: Ms. Relford stated this is a Tier II application with the Colorado Department of Local Affairs (DOLA) for \$750,000.00, for the County Roads 66 and 41 Intersection Improvements Project. Ms. Relford stated the total expenses for this project are estimated at \$8 Million, and construction is anticipated to begin in November 2022, with completion before the end of 2023. Commissioner Moreno moved to approve said application and authorize electronic submittal. The motion, which was seconded by Commissioner Buck, carried unanimously.

7) CONSIDER CONTRACT ID #5617 CHANGE ORDER #3 TO AGREEMENT FOR PROFESSIONAL SERVICES FOR BRIDGE 19/46.5A REPLACEMENT DESIGN (BID #B1900113) AND AUTHORIZE CHAIR TO SIGN – J-U-B ENGINEERS, INC.: Michael Bedell, Department of Public Works, stated this is the third Change Order for the Replacement Design for Bridge 19/46.5A, located between Milliken and Johnstown on CR 19, due to negotiation with an adjacent landowner on the east side of CR 19. He explained J-U-B Engineers, Inc., will incorporate new design elements in an effort to lead into a

satisfactory right-of-way acquisition agreement, for an increased amount of \$59,841.00, bringing the total design costs to \$686,072.00. In response to Chair James, Mr. Bedell confirmed there have been no additional changes since the work session that was held. Commissioner Buck moved to approve said Change Order #3 and authorize Chair to sign. Commissioner Freeman seconded the motion, and it carried unanimously.

8) CONSIDER REAFFIRM VACATION OF ROAD RIGHT-OF-WAY LOCATED IN THE WEST HALF OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO; APPROVE QUIT CLAIM DEEDS CONVEYING SAID RIGHT-OF-WAY TO ADJACENT PROPERTY OWNERS; AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS: Bruce Barker, County Attorney, stated in 1905 there was a right-of-way granted to Weld County, and on May 12, 1930, there was road construction to straighten the where it no longer needed, and the Board abandoned/vacated the right-of-way where it no longer needed, with instruction to staff to present Deeds to the property owners. Mr. Barker stated those Deeds were never executed, and 92 years later this will correct that discrepancy through this action, as the Town of Windsor needs the Deeds to clear the cloud on the title for future development plans. Commissioner Freeman moved to approve said vacation and Quit Claim Deed and authorize the Chair to sign all necessary documents. Commissioner Saine seconded the motion, and it carried unanimously.

PLANNING:

1) CONSIDER PARTIAL VACATION OF FOUR-LOT RECORDED EXEMPTION, RECX19-0150, FOR REMOVAL OF LOT D – LEGLER LAND HOLDINGS, LLC, C/O JASON LEGLER: Diana Aungst, Department of Planning Services, stated staff received a letter, dated January 21, 2022, requesting the removal of Lot D, being the largest lot, from RECX19-0150. Ms. Aungst gave a brief description of the location of the property, and stated there were no easements affected by this request, Lots A, B and C are not a part of this consideration, and the resulting parcel will be larger than 35 acres. Ms. Aungst displayed a vicinity map and aerial images for reference, and described the remaining access easements for each of the remaining lots and resulting parcels. Ms. Aungst stated if the vacation is approved the Conditions of Approval require the applicant to submit a revised plat for approval, sign it, and send it for recording. Jason Legler, applicant, was present for questions. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve said partial vacation, with the Conditions of Approval. The motion was seconded by Commissioner Moreno, and it carried unanimously.

2) CONSIDER PARTIAL VACATION OF TWO-LOT RECORDED EXEMPTION, RE-2742, FOR REMOVAL OF LOT B – MARK AND SHERRY LAWLEY: Michael Hall, Department of Planning Services, stated staff received a request for removal of Lot B from RE-2742, approximately a 73.8-acre parcel. Mr. Hall gave a brief overview of the property and stated this will result in an unplatted parcel that will further be divided into two (2) parcels larger than 35 acres, and Lot A is not a part of this consideration. He further stated there are no easements affected and staff recommends a Condition of Approval that the applicant submit the new vacated plat and Deed to staff for review within 90 days, and upon acceptance, the plat is to be signed by all property owners affected, and sent for recording. Mark Lawley, property owner, was present for questions. No public testimony was offered concerning this matter. Commissioner Moreno moved to approve said partial vacation, with the Condition of Approval. 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 9:35 a.m.

These Minutes were approved on the 14th day of March, 2022.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Scott K. James, Chair

EXCUSED DATE OF APPROVAL

Mike Freeman, Pro-Tem

Perry L. Buck

Steve Moreno

Lori Saine