

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, FEBRUARY 14, 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 14, 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 - EXCUSED
Commissioner Lori Saine

Also present:

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

MINUTES: Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of January 31, 2022, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

PUBLIC INPUT: Dan O'Conner, City of Longmont Resident and Representative of Certified Poll Watchers, stated on February 9, 2022, a Constitutional Notice and Complaint was filed against Weld County Clerk and Recorder, Carly Koppes, Adam Gonzales, and Rudy Santos. Amy Miller, Windsor Resident and Certified 2021 Colorado Secretary of State Poll Watcher, expressed her complaintive testimony and observations that violated the Colorado Constitution and Election Code. Shelley Rowe, Firestone Resident and 2021 Certified Poll Watcher, expressed she was devastated by the lack of compliance with the election law which prevented her from fulfilling her duties during her first time in this role. Commissioner Saine requested a copy of the Notice and Complaint. (*Clerk's Note: Copy Submitted as Exhibit A.*)

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.

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck reported she is continuing to learn about the Oil and Gas Energy, and Planning Departments and Extension Office, and the other Commissioners indicated all is well in their departments.

WARRANTS:

- 1) GENERAL WARRANTS – FEBRUARY 11, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.
- 2) GREELEY-WELD COUNTY AIRPORT AUTHORITY WARRANTS – FEBRUARY 11, 2022: Commissioner Freeman moved to approve the Greeley-Weld County Airport Authority Warrants, as printed. Commissioner Buck seconded the motion, and upon a roll call vote the motion passed three (3) to one (1), with Commissioner Saine opposed.

BIDS:

- 1) APPROVE BID #B2200043, DUST PALLIATIVE SUPPLY – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Envirotech Services, Inc., for a total amount of \$1,043,238.00. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.
- 2) APPROVE BID #B2200049, TRAFFIC PAINT AND BEADS – DEPARTMENT OF PUBLIC WORKS (TO BE CONT'D TO 2/16/2022): Mr. Turf stated staff has requested to continue this matter for approval until Wednesday, February 16, 2022, to look for more affordable pricing. Commissioner Freeman moved to continue said bid, per staff request, until Wednesday, February 16, 2022, at 9:00 a.m. The motion was seconded by Commissioner Buck, and it carried unanimously.
- 3) APPROVE BID #B2200044, JAIL SALLY PORT OVERHEAD DOOR REPLACEMENT – FACILITIES DEPARTMENT: Mr. Turf stated staff recommends selecting the lowest bidder who met specifications, Front Range Raynor, for a total amount of \$53,196.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.
- 4) PRESENT BID #B2200045, AULT GRADER SHED CONSTRUCTION – FACILITIES DEPARTMENT: Mr. Turf stated eight (8) bids were received, and staff will make a recommendation on February 28, 2022.
- 5) PRESENT BID #B2200050, ARCHITECTURAL AND ENGINEERING SERVICES FOR PROBATION OFFICES – FACILITIES DEPARTMENT: Mr. Turf stated eight (8) bids were received, and staff will make a recommendation on February 28, 2022.
- 6) PRESENT BID #B2200054, 2022 SIGN MATERIALS – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated six (6) bids were received, and staff will make a recommendation on February 28, 2022.

NEW BUSINESS:

- 1) CONSIDER CONTRACT ID #5525 AGREEMENT FOR PROFESSIONAL SERVICES FOR PARKING LOT SNOW REMOVAL (BID #B2200046) AND AUTHORIZE CHAIR TO SIGN – COLORADO SNOW MANAGEMENT: Toby Taylor, Director of the Facilities Department, stated this agreement is for the removal of snow at the 1400, 1402, and 1551 North 17 Avenue Buildings with Colorado Snow Management for the amount of \$590.00 for full snow removal and \$210.00 for partial snow removal. Mr. Taylor stated this has not previously been before the Board, as the amount is lower than the requisite amount for formal bids. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.
- 2) CONSIDER CONTRACT ID #5544 AGREEMENT FOR PROFESSIONAL SERVICES FOR JAIL-STEEL CELL WINDOW FRAME MODIFICATION AND AUTHORIZE CHAIR TO SIGN – CML SECURITY, LLC: Mr. Taylor explained deputies in the Jail have discovered the caulking material currently used in windows can be fashioned into a weapon. He further stated this agreement is from a single source bid with CML Security, LLC, for the total amount of \$31,784.00. Commissioner Buck moved to approve

said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

3) CONSIDER THREE (3) APPLICATIONS FOR REIMBURSEMENT FOR PETROLEUM STORAGE TANK REMEDIATION AND AUTHORIZE CHAIR TO SIGN: Chris D'Ovidio, Controller, and David Springer, Director of Fleet Services, stated these applications are for the reimbursement of environmental cleanup costs at the Greeley fueling station, performed by Palmetto Environmental Group, for a total amount of \$163,388.84, with the County expected to receive \$153,388.84 from the storage tank fund. Commissioner Saine moved to approve said applications and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER CONTRACT ID #5573 SERVICE AGREEMENT FOR CYBERSECURITY SYSTEM SUPPORT FOR PUBLIC SAFETY WIRELESS FRONT RANGE COMMUNICATIONS CONSORTIUM (FRCC) AND AUTHORIZE CHAIR TO SIGN – MOTOROLA SOLUTIONS, INC.: Tina Powell, Director of the Department of Public Safety Communications, stated this is a temporary contract to bridge the gap in personnel shortage until a permanent Weld County employee can be hired and trained to manage and service the functions needed at various sites for a total amount of \$51,755.34. Commissioner Buck moved to approve said agreement and authorize the Chair to sign, which was seconded by Commissioner Freeman, who commented this agreement is very important to fill the gap while seeking and training a new replacement. The motion carried unanimously.

5) CONSIDER TEMPORARY ROAD CLOSURE OF CRS 80 AND 37 INTERSECTION: Amy Mutchie, Department of Public Works, stated this closure is to begin March 1, 2022, and go through June 15, 2022, to complete the construction of Bridge 80/35A, which is related to the intersection improvements project. In response to Commissioner Freeman, Ms. Mutchie detailed the detour route for the record and stated that magnesium chloride will be used for dust mitigation on the gravel roads, with message boards currently in place. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Saine, and it carried unanimously.

PLANNING:

1) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – DANIELA FLORES AND PAULA GRADO (*CONT'D FROM 11/15/2021*): Caitlin Perry, Assistant County Attorney, stated there was a hearing held July 12, 2021, where the court ordered a daily penalty of \$50.00 per day, and violations included unpermitted commercial vehicles, equipment, and cargo containers, and unauthorized storage of construction materials. The Board of County Commissioners heard this last on November 15, 2021, and granted a continuance of 90 days to allow the site to become compliant; however, the property owner has failed to do so and it has now been 217 days, which results in a total of \$10,850.00 to be certified as a special assessment. Hannah Dutrow, Zoning Compliance Officer, displayed photos of the site and vicinity map for the record. Modesto Flores, representative of the property owners, stated they have purchased a new property and are waiting for the surveyor to indentify where any oil and gas pipes are located, in relation to tank batteries and active well heads, for the proper permits, before he can move materials to the new location to bring this location into compliance. In response to Chair James, Ms. Dutrow confirmed that this violation has occurred since 2020, there are currently three (3) locations that are in violation, and this new property is in the process of being zoned and surveyed. Kurt Nakata, Front Range Fire Protection District, stated the commercial building was inspected, they noticed fuel tanks, leaks, unpermitted construction of a building so they contacted zoning at that time. He confirmed they had issued an application for hazardous materials, but the fee has not been paid. Mr. Nakata also recommended Mr. Flores submit his site plans to the relevant fire protection district for review, if they are moving to a new location. Bruce Barker, County Attorney, stated the Board's options are; to certify, to continue, or to not certify. Mr. Flores stated that it will take an additional 6-8 weeks to be able to get the survey and

proper permits for all locations and be in compliance. He further stated they have hired Landmark, Inc., to make all this happen as quickly as possible. Commissioner Buck moved to continue said certification of zoning violation penalties as special assessment until April 18, 2022, at 9:00a.m. Commissioner Freeman seconded the motion, and it carried unanimously.

2) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – LUCINA FLORES (*CONT'D FROM 11/15/2021*): Ms. Perry stated Lucina Flores has a court-ordered daily penalty of \$25.00 per day, beginning on August 4, 2021, and violations include excessive animal units onsite and greater than allowed lot coverage for the onsite structures. She stated the Board previously granted a 90-day continuance to allow the site to become compliant, but the property owner has failed to so do and is now 194 days delinquent, which results in a total of \$4,850.00 to be certified as a special assessment. Ms. Dutrow reviewed photos from her inspection on February 10, 2022. Mr. Flores, again stated he is waiting on the survey to come into compliance. Commissioner Freeman moved to continue said certification of zoning violation penalties as special assessment to April 18, 2022, at 9:00 a.m. Commissioner Buck seconded the motion, and it carried unanimously.

3) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JESUS VEGA, SR. (*CONT'D FROM 11/15/2021*): Ms. Perry stated Jesus Vega, Sr., has a court-ordered daily penalty of \$50.00 per day, beginning on February 11, 2021, and violations include an unpermitted commercial trucking and storage business and the presence of derelict vehicles. She stated the Board previously granted a 90-day continuance to allow the site to become compliant, the property owner has failed to so do and is now 258 days delinquent, which results in a total of \$12,900.00 to be certified as a special assessment. Ms. Dutrow stated she inspected the property on February 10, 2022, and while there has been improvement, there are still commercial vehicles. Yaricxa Vega, Daughter of Jesus Vega Sr., stated that over the past weekend everything that was seen in Ms. Dutrow's pictures has been cleared out and the property is now ready for inspection. Commissioner Buck moved to continue said certification of zoning violation penalties as special assessment to February 23, 2022, at 9:00 a.m. Commissioner Saine seconded the motion, and it carried unanimously.

4) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – BRUCE BROTEMARKLE (*CONT'D FROM 11/15/2021*): Ms. Perry stated Bruce Brotemarkle has a court-ordered daily penalty of \$50.00 per day, beginning on December 10, 2020, and violations include a non-commercial junkyard and persons living in campers/recreational vehicles (RVs). She stated the Board previously granted a 90-day continuance to allow the site to become compliant, the property owner has failed to so do and is now 258 days delinquent, which results in a total of \$12,900.00 to be certified as a special assessment. Bethany Pascoe, Zoning Compliance Officer, stated she inspected the property on February 9, 2022, displayed aerial images and site inspection photos of the current state of the property, and confirmed nothing has changed since the last certification on this property. The property owner was not present or represented. Commissioner Saine moved to approve said certification of zoning violation penalties as a special assessment. Commissioner Buck seconded the motion, 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 9:53 a.m.

These Minutes were approved on the 28th day of February, 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

Mike Freeman, Pro-Tem

Perry L. Buck

EXCUSED
Steve Moreno

Lori Saine