

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, SEPTEMBER 26, 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, September 26, 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
Controller, Chris D'Ovidio

MINUTES: Commissioner Saine moved to approve the Minutes of the Board of County Commissioners meeting of September 12, 2022, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Freeman moved to read Code Ordinance #2022-07 by audio. The motion was seconded by Commissioner Saine, and it carried unanimously.

PUBLIC INPUT: No public input was given.

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

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

COMMISSIONER COORDINATOR REPORTS: Commissioner Freeman reported the early warning budget session was successful, and relayed there are new legislative issues coming up and he is interested to see the priorities set by Colorado Counties, Inc. (CCI).

WARRANTS:

1) GENERAL WARRANTS – SEPTEMBER 23, 2022: Commissioner Saine moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion and it carried unanimously.

2) COMMISSIONER WARRANTS (PERRY L. BUCK) – SEPTEMBER 23, 2022: Commissioner Saine moved to approve the Warrant, as printed. Commissioner Freeman seconded the motion, and upon a roll call vote, the motion carried three (3) to zero (0), with Commissioner Buck recused.

3) COMMISSIONER WARRANTS (STEVE MORENO) – SEPTEMBER 23, 2022: Commissioner Buck moved to approve the Warrant, as printed. Commissioner Freeman seconded the motion, and upon a roll call vote, the motion carried four (4) to zero (0), with Commissioner Moreno excused.

BIDS:

1) APPROVE BID #B2200128, PARKING LOT POT HOLE REPAIRS – FACILITIES DEPARTMENT: Christie Peters, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Asphalt Doctors, for a total amount of \$122,516.00. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2200125, CRACK FILLER MATERIAL SUPPLY – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated staff recommends selecting the lowest bidder who met specifications, Crafc0, Inc., for a total amount of \$82,524.00, which is within the 2022 budgeted amount. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #6306 STATEMENT OF WORK FOR EPIDEMIOLOGY AND LAB CAPACITY (ELC) ENHANCING DETECTION COVID-19 SUPPLEMENTAL FUNDS (ROUND TWO [2]), AND AUTHORIZE CHAIR TO SIGN: Gene O’Hara, Interim Director of the Department of Public Health and Environment, stated this is an acknowledgement form to receive reimbursement from the Colorado Department of Public Health and Environment (CDPHE) for a pre-approved equipment purchase. He further stated, by signing this document, the Board will confirm the adherence of provisions to the statement of work. Commissioner Freeman moved to approve said statement of work and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CONTRACT ID #6360 CONTRACT AMENDMENT #1 FOR FOOD AND DRUG ADMINISTRATION (FDA) TOBACCO RETAIL COMPLIANCE CHECK INSPECTION PROGRAM AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. O’Hara stated this amendment is for the use and benefit of the Department of Public Health and Environment for the Food and Drug Administration (FDA) Tobacco Retail Inspection Program. He explained the amendment indicates that Colorado has changed their mail courier from Federal Express (FedEx) over night mail, to staff utilizing the CDPHE authorized courier. He further stated no other changes have been made to funding or term dates. Commissioner Buck moved to approve said amendment and authorize the Chair to sign and submit electronically. Seconded by Commissioner Freeman, the motion carried unanimously.

3) CONSIDER CONTRACT ID #6362 AMENDMENT #1 TO SUBAWARD AGREEMENT FOR DRIVE SMART WELD COUNTY YOUNG DRIVER TRAFFIC SAFETY PROJECT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. O’Hara stated the goal of this amendment is to collaborate with traffic safety stakeholders to reduce the amount of accidents and injuries involving youth in Weld County. He further stated the Colorado Department of Transportation (CDOT) agrees to pay the County \$82,992.30, for services provided in this continuation contract. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign and submit electronically. Seconded by Commissioner Buck, the motion carried unanimously.

4) CONSIDER CONTRACT ID #6355 AGREEMENT FOR PURCHASE OF CERTAIN PROPERTY FOR PUBLIC ROAD IMPROVEMENTS FOR CRS 74 AND 33 INTERSECTION ROUNDABOUT PROJECT, AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS – VIC LEFFLER AND SONS, INC.: Tiffane Johnson, Department of Public Works, stated this agreement is related to the County Roads (CRs) 74 and 33 Intersection Roundabout Project, and Vic Leffler and Sons, Inc. owns three (3) of the four (4) corners of this intersection. She stated on the northeast corner there are existing irrigation infrastructure and crops, the southwest corner also has irrigation infrastructure and an oil and gas easement to be relocated, and the southeast corner has irrigation structures, a Zoning Permit (ZPAG) for agricultural sales of feed and grain where they need to relocate the driveway and scale. Ms. Johnson reviewed the total costs, in the amount of \$593,273.69, associated with the purchase of 3.57 acres of public road right-of-way, temporary construction easement, permanent easements for DCP Operating Company, LP, and Century Link, QC, to relocate utilities, crop loss, replacement of concrete ditches and irrigation structures, relocation of scale house to operate their business, signing incentive, appraisal costs, surveying, engineering services, and amendments to a Recorded Exemption (RECX) and ZPAG for replat of updated easements and property boundaries. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

5) CONSIDER CONTRACT ID #6361 AGREEMENT FOR PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY FOR PUBLIC ROAD IMPROVEMENT PROJECT (CRS 74 AND 33 INTERSECTION ROUNDABOUT PROJECT), AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS – DON ANDERSON, INC.: Ms. Johnson stated Don Anderson, Inc., owns the northwest corner of the CRs 74 and 33 intersection, and for the purchase of 4.05 acres of public road right-of-way, temporary construction easement, relocating the utility line from DCP Operating Company, LP, into the conveyed easement, engineering services, crop damage, land surveying, reconfiguration of RECX, and signing incentive, the County will compensate the owners in the amount of \$108,611.00. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. Commissioner Saine seconded the motion, and it carried unanimously.

6) CONSIDER CONTRACT ID #6369 AGREEMENT FOR PURCHASE OF TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC ROAD IMPROVEMENT PROJECT (CRS 74 AND 33 INTERSECTION ROUNDABOUT PROJECT) AND AUTHORIZE CHAIR TO SIGN – EDWARD AND MONIKA MIKA: Ms. Johnson stated this agreement is for the purchase of a temporary construction easement on the west leg of the property to reconfigure and relocate irrigation tie-ins, and the County will compensate the owners the amount of \$500.00. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Commissioner Buck seconded the motion, and it carried unanimously.

7) CONSIDER TEMPORARY CLOSURE OF CR 386 BETWEEN U.S. HWY 34 AND I-76: Amy Mutchie, Department of Public Works, stated this closure will begin October 3, 2022, and go through October 28, 2022, for the re-decking of Bridge 386-38/A. She stated the detour route will take CR 91 between both highways, and further stated there have been communications with the large landowners in the area, and staff determined closure should not interfere with farming operations, since the silage hauling will be done by that time. Ms. Mutchie further stated water will be used for dust mitigation on the detour route. Commissioner Buck moved to approve said temporary closure. The motion was seconded by Commissioner Saine, and it carried unanimously.

8) CONSIDER RENEWAL APPLICATION FOR AN OPTIONAL PREMISES (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – IHRF, INC.: Bruce Barker, County Attorney, stated the optional premises application has been reviewed and is complete, with no concerns from any referrals. No public testimony was offered concerning this matter. Commissioner Saine moved to approve said renewal application and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

9) CONSIDER RENEWAL APPLICATION FOR A TAVERN (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – THE FORT 21, LTD., DBA THE FORT 21: Mr. Barker stated the application has been reviewed and is complete, and there are no concerns from any referrals. No public testimony was offered concerning this matter. Commissioner Buck moved to approve said renewal application and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

10) CONSIDER RENEWAL APPLICATION FOR AN OPTIONAL PREMISES (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – FRITZLER FARMS, INC., DBA FRITZLER FARM PARK: Mr. Barker stated the optional premises application has been reviewed and is complete, with no concerns from any referrals. No public testimony was offered concerning this matter. Commissioner Saine moved to approve said renewal application and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

11) FIRST READING OF CODE ORDINANCE #2022-07, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 3 HUMAN RESOURCES OF THE WELD COUNTY CODE (*APPEARANCE/DRESS CODE AND SICK/LEAVE TIME*): Ryan Rose, Director of Administrative Services, alongside Jill Scott, Director of the Department of Human Resources, stated at a work session on September 10, 2022, Department Heads and Elected Officials discussed revisions to the dress code concerning the ability to wear blue jeans on occasions approved by the department head or elected official, added language for body art, leave restrictions, and vacation and sick time accruals. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve Code Ordinance #2022-07, on First Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

PLANNING:

1) CONSIDER REQUEST TO TEMPORARILY EXTEND THE HOURS OF OPERATION FOR AMENDED USE BY SPECIAL REVIEW PERMIT, AMUSR-1102, FOR MINERAL RESOURCE DEVELOPMENT INCLUDING OPEN PIT MINING AND MATERIALS PROCESSING (SAND, GRAVEL AND STONE), INCLUDING CONCRETE AND ASPHALT RECYCLING AND A CONCRETE AND ASPHALT BATCH PLANT FACILITY IN THE A (AGRICULTURAL) ZONE DISTRICT – L.G. EVERIST, INC.: Tom Parko, Director of the Department of Planning Services, stated on September 15, 2022, he received a request from L.G. Everist, Inc., to temporarily extend their hours of operations for emergency deck repairs of CR 34. He further stated there was no need to send notices to surrounding property owners, and the operation is in good standing. Commissioner Saine moved to approve said request for temporary extension of hours of operation. 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. Code Ordinance #2022-07 was approved on First 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 9:33 a.m.

These Minutes were approved on the 10th day of October, 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