

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, AUGUST 17, 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, August 17, 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 Buck moved to approve the Minutes of the Board of County Commissioners meeting of August 3, 2022, as printed. Commissioner Saine seconded the motion and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner Buck moved to approve the Certification of Hearings conducted on August 3, 2022, as follows: 1) COZ22-0006 – Marisela Mendez, 2) USR22-0010 – Noelia Leal and Melissa Keen, and 3) USR22-0014 – Steven and Kelly Roll. Commissioner Freeman seconded the motion, which carried unanimously.

**PUBLIC INPUT:** Steve Teets, Greeley resident, stated he attended a Greeley City Council meeting where Senator Barbara Kirkmeyer was in attendance, and further expressed the need to implement affordable housing or shelters for families and veterans who are experiencing homelessness in Greeley. He also touched on the need for a more extensive and comprehensive public transit system. Mr. Teets inquired about the uses for the Community Development Block Grant funding. In response, Chair James explained those grant funds are available to municipalities to utilize for improvement projects for the benefit of low-to middle-income residents. Edwin Grant, Greeley resident, shared his education from the University of Northern Colorado (UNC), and mentioned his observation of there being a large number of democratic professors at that school.

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

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

**WARRANTS:**

1) GENERAL WARRANTS – AUGUST 16, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2200097, TANDEM AXLE TANK TRAILER WITH DUST PALLIATIVE SPRAY SYSTEM (QTY 2) – DEPARTMENT OF PUBLIC WORKS (*CONT'D FROM 8/3/2022*): Christie Peters, Purchasing Department, provided a brief overview of this bid history (formerly #B2100104, and #B2100111), and stated staff recommended rejecting the bid from Kois Brothers Equipment Company, Inc., due to the exceeded budgeted amount, and the increased cost to build these trailers. She elaborated the budgeted amount for these two trailers was \$140,000.00 each, for a total of \$280,000.00. The bid price from Kois Brother Equipment Company for this equipment is \$219,574.00 each, for a total of \$439,148.00. Ms. Peters stated staff determined to make alterations to their existing trailers to achieve functionality they need for a cheaper price. Commissioner Moreno moved to reject said bid, per staff's recommendation. The motion was seconded by Commissioner Saine, and it carried unanimously.

2) APPROVE BID #B2200104, INTERMEDIATE DISTRIBUTION FRAME (IDF) AIR CONDITIONING (AC) PROJECT FOR DEPARTMENT OF HUMAN SERVICES AND SOUTHEAST SERVICE CENTER – FACILITIES DEPARTMENT: Ms. Peters stated staff recommends selecting the lowest bidder who met specifications, MTech Mechanical, for a total amount of \$29,515.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.

3) PRESENT BID #B2200115, RFQ – CONSTRUCTION SERVICES FOR THE RECONSTRUCTION OF CRS 66 AND 41 INTERSECTION PROJECT – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated three (3) bids were received and staff will make a recommendation at a later date to be determined.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #6184 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – MATTHEW AND REBECCA COX: Jamie Ulrich, Director of the Department of Human Services, stated this contract is for a new full certification foster care provider located in Severance, Colorado. Commissioner Saine moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CONTRACT ID #6187 GRANT CLOSEOUT CHECK LIST FOR VARIOUS WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PROGRAMS, AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich shared the grant closeout is a procedural requirement for all programs with Expenditure Authorizations. Commissioner Freeman moved to approve said grant closeout and authorize the Chair to sign. Seconded by Commissioner Saine, the motion carried unanimously.

3) CONSIDER CONTRACT ID #6192 2022-2023 PLAN FOR CORE SERVICES PROGRAM AND AUTHORIZE CHAIR AND DIRECTOR OF DEPARTMENT OF HUMAN SERVICES TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Ulrich explained development and submittal of a plan is an annual requirement governing Core Services funding, and this is the first year of a three (3) year Core Plan Cycle, which is administered in accordance with rules of the Colorado Department of Human Services. Commissioner Moreno moved to approve said plan and authorize the Chair, as well as the Director of the Department of Human Services, to sign and submit electronically. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) CONSIDER CONTRACT ID #6193 AGREEMENT FOR PROFESSIONAL SERVICES FOR TRANSLATION AND INTERPRETATION SERVICES, AND AUTHORIZE CHAIR TO SIGN – COLORADO LANGUAGE SERVICES, INC.: Ms. Ulrich stated this agreement will assist in meeting the high demand for phone interpretation and written translation services. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Saine, the motion carried unanimously.

5) CONSIDER CONTRACT ID #6201 CHILD PROTECTION AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – NOCO SPEECH THERAPY AND DIAGNOSTICS: Ms. Ulrich stated this is a new agreement which provides mental health services and foster parent training. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.

6) CONSIDER CONTRACT ID #6202 CHANGE LETTER AMENDMENT #5 TO MEMORANDUM OF UNDERSTANDING FOR DISASTER RECOVERY NATIONAL DISLOCATED WORKER GRANT (CORESPONDS) AND AUTHORIZE CHAIR TO SIGN – JEFFERSON COUNTY: Ms. Ulrich stated this change letter is an amendment to the Memorandum of Understanding to reduce the amount of awarded RecoverCO funds by \$50,000.00. This reduction is due to a reallocation of unused funds before the expiration date in August 2022. Commissioner Buck moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Saine, the motion carried unanimously.

7) CONSIDER CONTRACT ID #6159 REGIONAL COMMUNICATIONS USER AGREEMENT AND AUTHORIZE CHAIR TO SIGN – TOWN OF KEENESBURG: Tina Powell, Director of the Department of Public Safety Communications, stated this agreement allows for the Town of Keenesburg's new police department to use dispatching services. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

8) CONSIDER CONTRACT ID #6159 REGIONAL COMMUNICATIONS USER AGREEMENT AMENDMENT #1 FOR WIRELESS RADIO SERVICES AND AUTHORIZE CHAIR TO SIGN – TOWN OF KEENESBURG: Ms. Powell stated this amdenment to the user agreement is to allow the Town of Keenesburg's Police Department to utilize the towers of the Weld County Regional Communications wireless network. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. Commissioner Buck seconded the motion and it carried unanimously.

9) CONSIDER AMENDMENT #2 TO LEAVE MANAGEMENT SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – UPMC BENEFIT MANAGEMENT SERVICES, INC., DBA WORKPARTNERS: Stacey Daterie-Frey, Department of Human Resources, stated this agreement renewal is with Workpartners for the leave management program for this calendar year. Commissioner Moreno moved to approve said amendment and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously

10) CONSIDER AMENDMENT TO SMALL TRACT OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO, AND AUTHORIZE CHAIR TO SIGN – PDC ENERGY, INC.: Bruce Barker, County Attorney, stated the rules allow for an extension for up to six (6) months. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously. (*Clerk's Note: The amendment acknowledged as change in the mineral acreage.*)

11) CONSIDER CONTRACT ID #6180 AGREEMENT FOR PROFESSIONAL SERVICES FOR HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) CONTROL PANEL REPLACEMENT FOR NORTH JAIL COMPLEX AND AUTHORIZE CHAIR TO SIGN – SETPOINT SYSTEMS CORPORATION: Toby Taylor, Director of the Facilities Department, stated Setpoint Systems Corporation is a single source contractor, in accordance with County Code Section 5-4-95, to replace two (2) aging HVAC control panels at the North Jail Complex, for a price quote of \$26,718.00, and staff recommends approval. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

12) CONSIDER CONTRACT ID #6185 RIGHT-OF-WAY EASEMENTS FOR RAIL SPUR SITE AND AUTHORIZE CHAIR TO SIGN – POUDDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC.: Mr. Taylor stated Weld County purchased properties between Nunn and Carr to support a future rail spur site, and the seller of the property did so with the understanding the easement would be approved when the Recorded Exemptions were ready to be developed. He further explained this is to support the future need of three-phase power for the rail spur and the adjacent landowner, thus, a 20-foot utility easement with Poudre Valley Rural Electric Association will be needed for these operations. In response to Commissioner Saine, Mr. Taylor explained the rail spur is intended to transport future gravel supplies. Commissioner Freeman moved to approve said easements and authorize the Chair to sign. The motion, which was seconded by Commissioner Saine, carried unanimously.

13) CONSIDER APPEAL OF THE DECISION BY THE DIRECTOR OF FACILITIES FOR BID #B2200096, MOTOR POOL FLEET SERVICES VEHICLE LIFT REPLACEMENT PROTEST: Upon a request by Chair James, Paul Stern, present via teleconference, introduced himself for the record as a representative of Liftnow Automotive Equipment Corporation. Mr. Barker instructed the Board concerning the process by which an appeal can take place. Ms. Peters and Mr. Taylor displayed the details concerning the bid specifications and scope of work. Mr. Taylor further provided his supporting documents and explained his reasoning for not recommending Liftnow Automotive Equipment Corporation, despite them being the low bidder, which is the typical expectation per Weld County Code for bid procurement procedures. He indicated there was a mandatory pre-bid meeting for vendors to understand, visually, what the replacement lifts need to look like and their function. Mr. Taylor stated Mr. Stern's responses to the standardized questions were not thorough, and they included their bid specialty notes and instructions, which were in direct conflict of the bid specifications, thus it resulted in a misleading and incorrect final bid proposal. Mr. Taylor gave a brief overview of the recommended approval of Ace Equipment and Supply, to show the difference in the bid proposal, with theirs being complete and meeting all specifications, despite not being the low bidder.

Mr. Stern gave his rebuttal concerning several of the exhibits that were included and shown for the record. He further stated it is common practice to have subcontractors check into the pre-bid meeting on their behalf, and it was not known to him that the subcontractor had signed in under his name and was unable to answer questions on his behalf. Mr. Stern stated that until now, he had never seen the bid proposal from Ace Equipment and Supply, and noted they quoted using rolling jacks, and he clarified that was never included in the original bid specifications. He further admitted there was confusion on his end and the proposal appeared to be incomplete with the stated exclusions and contingencies, and not a turn-key installation.

In response to Commissioner Moreno, Mr. Stern explained that had he known they were looking for an all-inclusive quote, the bid amount would have been \$114,965.00. In response to Chair James, Mr. Taylor clarified the data plate on the lift itself is where the specifications came from, and they were looking for a similar make and model in the replacement, the current model they have includes rolling jacks, and he stressed again the importance of the mandatory meeting to get those details. Commissioner Freeman moved to deny the appeal. Seconded by Commissioner Moreno, the motion carried unanimously.

**PLANNING:**

1) CONSIDER PARTIAL VACATION OF TWO-LOT RECORDED EXEMPTION, RE-2900, FOR REMOVAL OF LOT B – GREENLEAF ACRES, LLC, C/O BARRY FEHR: Maxwell Nader, Department of Planning Services, stated staff received a letter from the applicants requesting the removal of Lot B from Recorded Exemption, RE-2900, which will be an approximate 154-acre unplatted parcel. He gave a brief description of the property history and location, and indicated Lot A is not a part of this request, and no easements are affected by this request. Mr. Nader stated all code criteria has been met, and staff recommends approval. Barry Fehr, applicant, was present for questions. No public testimony was offered concerning this matter. Commissioner Buck moved to approve said partial vacation, with the Condition of Approval. The motion was seconded by Commissioner Saine, 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 10:07 a.m.

These Minutes were approved on the 31st day of August, 2022.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

\_\_\_\_\_  
Scott K. James, Chair

Weld County Clerk to the Board

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Mike Freeman, Pro-Tem

BY: \_\_\_\_\_  
Deputy Clerk to the Board

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Perry L. Buck

\_\_\_\_\_  
Steve Moreno

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Lori Saine