

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, APRIL 27, 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, April 27, 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  
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 Moreno moved to approve the minutes of the Board of County Commissioners meeting of April 22, 2020, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on April 22, 2020, as follows: 1) USR20-0005 – Wells Ranch, LLLP, c/o Outrigger DJ Operating, LLC, 2) USR20-0001 – Hard Knocks Homestead, LLC, 3) USR19-0058 – Orrlando, LLC, c/o Bucklen Services Company, 4) COZ19-0002 – Daniel and Janna Miller, and 5) 2MJUSR19-08-1660 – Global Asset Recovery, LLC. Commissioner Ross seconded the motion, which carried unanimously.

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

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

**PUBLIC INPUT:** No public input was given.

#### **WARRANTS:**

1) **GENERAL WARRANTS – APRIL 24, 2020:** Commissioner James moved to approve the General Warrants, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

**BIDS:**

- 1) APPROVE BID #B2000061, PHYSICAL ABILITIES TEST – SHERIFF'S OFFICE: Rob Turf, Purchasing Department, stated five (5) bids were received and he presented staff's request for a continuance to May 13, 2020, for additional time to conduct interviews. Commissioner Kirkmeyer moved to continue said bid to May 13, 2020. The motion was seconded by Commissioner James, and it carried unanimously.
- 2) APPROVE BID #B2000101, DESIGN OF CR 47 AND STATE HWY 392 SIGNALIZATION PROJECT – DEPARTMENT OF PUBLIC WORKS: Mr. Turf introduced Drexel, Barrel, and Company as the low bidder selected by staff and confirmed they met all specifications, for a total amount of \$124,055.00. Commissioner Ross moved to approve said bid. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.
- 3) PRESENT BID #B2000107, PUBLIC WORKS ADDITION – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the 15 bids received and stated staff will make a recommendation on May 11, 2020.
- 4) PRESENT BID #B2000110, NON-PROJECT SPECIFIC (ON-CALL) SUBSURFACE UTILITY ENGINEERING SERVICES – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff received eight (8) bids and will make a recommendation on a future date, yet to be determined, to allow adequate time for interviews and selections through the Quality Based Selection (QBS) process.

**NEW BUSINESS:**

- 1) CONSIDER GRANT APPLICATION FOR HOMELESS VETERANS' REINTEGRATION PROGRAM AND AUTHORIZE ELECTRONIC SUBMITTAL: Jamie Ulrich, Director of the Department of Human Services, stated the grant provides services for homeless Veterans to reintegrate individuals into the labor force. Commissioner Kirkmeyer moved to approve said application and authorize electronic submittal. Seconded by Commissioner James, the motion carried unanimously.
- 2) CONSIDER APPLICATION FOR CAPACITY-BUILDING AND TECHNOLOGY MINI-GRANT AND AUTHORIZE ELECTRONIC SUBMITTAL – COLORADO COMMUNITY ACTION ASSOCIATION: Ms. Ulrich explained the mini-grant provides funding for technology hardware items, or other telecommuting support for staff, and allows agency program operations to move to remote locations. Commissioner Moreno moved to approve said application and authorize electronic submittal. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.
- 3) CONSIDER TEMPORARY CLOSURE OF CR 13 BETWEEN CRS 36 AND 38: Amy Mutchie, Department of Public Works, stated the closure will occur from April 28, 2020, to May 1, 2020, for a culvert replacement and she noted the detour route is paved. Commissioner Kirkmeyer moved to approve said temporary closure. Commissioner Ross seconded the motion, and it carried unanimously.
- 4) CONSIDER TEMPORARY CLOSURE OF CR 20.5 BETWEEN CRS 1 AND 7: Ms. Mutchie stated the closure will occur from April 28, 2020, to May 1, 2020, for a culvert replacement and she noted the detour route is paved. The motion to approve said temporary closure, was made by Commissioner James, seconded by Commissioner Moreno, and it carried unanimously.
- 5) CONSIDER TEMPORARY CLOSURE OF CR 10 BETWEEN CR 67 AND STATE HWY 79: Ms. Mutchie explained the closure will occur between April 28, 2020, and May 1, 2020, for a culvert replacement and she noted water will be used for dust control. Commissioner James moved to approve said temporary closure. The motion was seconded by Commissioner Moreno, and it carried unanimously.

6) CONSIDER AUTHORIZING EXTENSION OF OIL AND GAS LEASE COVERING CERTAIN PROPERTY OWNED BY WELD COUNTY, COLORADO – N1/2 S14, T4N, R63W: Esther Gesick, Clerk to the Board, presented Bonanza Creek’s request for a no-cost, 12-month extension on the lease, set to expire May 1, 2020, in order to complete stimulation operations on 14 wells already drilled. Ms. Gesick also recognized the original 1/3 waiver request was based on a total bonus amount of \$12,550.00, but said amount is the cost per acre, so the overall bonus amount with 320 acres in consideration is \$4,016,000.00 and a 1/3 waiver resulting in \$1,338,666.66. In response to Commissioner Kirkmeyer, Bruce Barker, County Attorney, suggested holding a work session on the matter to discuss whether the bonus amount may be delayed, rather than waived, and because staff is expecting to receive a number of these requests due to the COVID-19 Pandemic Health Emergency and the low price of oil. Ms. Gesick advised continuing the item to Wednesday, April 29, 2020, as the subject lease is set to expire on May 1, 2020. Commissioner Kirkmeyer moved to continue said resolution to Wednesday, April 29, 2020. Seconded by Commissioner James, the motion carried unanimously.

**PLANNING:**

1) CONSIDER PARTIAL VACATION OF SPECIAL USE PERMIT, SUP-170 – DIAMOND LAND, LLC: Michael Hall, Department of Planning Services, presented the location of the permitted property and feedlot layout, which is owned and operated by Diamond Land, LLC. He explained the staff-initiated partial vacation seeks to remove a 2.17-acre excepted parcel, created in 1973, from SUP-170, as it was purchased in November of 2016 by Taurino Martinez Cabrera. He further stated the parcel was created prior to subdivision regulations and was erroneously included in the SUP-170 boundary; however, it has never been part of the feedlot operation. An anonymous complaint was received concerning the operation of a commercial landscaping business, and rather than pursuing a Probable Cause / Show Cause process and consequently penalizing the feedlot, which is not at fault, staff recommended approval of this partial vacation, thus allowing the matter to be processed as an independent zoning violation specific to the Cabrera property. Mr. Hall displayed aerial images of the site and surrounding uses, and explained there are property line issues which will also need to be addressed. In response to Commissioner Kirkmeyer, Mr. Hall confirmed the only cost to the applicant will be preparing and recording the amended mylar plat. Mr. Barker confirmed no public input was necessary. Commissioner Kirkmeyer moved to approve said partial vacation. The motion was seconded by Commissioner James, 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 9:18 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

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Mike Freeman, Chair

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Steve Moreno, Pro-Tem

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Scott K. James

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Barbara Kirkmeyer

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Kevin D. Ross