

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, MAY 20, 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, May 20, 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 Ross moved to approve the minutes of the Board of County Commissioners meeting of May 18, 2020, as printed. Commissioner James seconded the motion, and it carried unanimously.

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

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

PUBLIC INPUT: No public input was given.

PROCLAMATIONS:

1) MEMORIAL DAY – MAY 25, 2020: Chair Freeman read the proclamation for the record.

WARRANTS:

1) GENERAL WARRANTS – MAY 19, 2020: Commissioner Kirkmeyer moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2000061, PHYSICAL ABILITIES TEST – SHERIFF'S OFFICE: Rob Turf, Purchasing Department, stated staff recommends selecting the bidder who met specifications based on a comprehensive quality-based review, Human Performance Development Group, for a total amount of \$100,000.00. Commissioner Moreno moved to approve said bid, the motion was seconded by Commissioner Ross, and it carried unanimously.

2) APPROVE BID #B2000099, SECURITY INCIDENT AND EVENT MANAGER (SIEM) – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, reviewed staff’s recommendation to select LogRhythm, the low bidder meeting specifications, for a total first year cost of \$47,260.00. Commissioner Ross moved to approve said bid, the motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

3) APPROVE BID #B2000109, MEAD GRADER SHED CONSTRUCTION – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf introduced TCC Corporation as the low bidder selected by staff and confirmed they met all specifications, for a total amount of \$1,462,851.00. Commissioner James moved to approve said bid, the motion was seconded by Commissioner Moreno, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #3514 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – BRYAN AND RACHEL MUTH: Tami Grant, Deputy Director of the Department of Human Services, presented the additional provisions for the home of Bryan and Rachel Muth. Commissioner Moreno moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER CONTRACT ID #3634 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – MARY DININO-EMMERSON: Ms. Grant presented the new kinship provider. Commissioner Ross moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

3) CONSIDER CONTRACT ID #3637 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – DONALD AND CONSTANCE SCHMIDT, II: Ms. Grant presented the new kinship provider. Commissioner Kirkmeyer moved to approve said contract and authorize the Chair to sign. The motion, which was seconded by Commissioner Moreno, carried unanimously.

4) CONSIDER CONTRACT ID #3629 CHILD PROTECTION AGREEMENT FOR SERVICES (BID #B2000037) AND AUTHORIZE CHAIR TO SIGN – ROCKY MOUNTAIN KIDS, INC.: Ms. Grant shared the addition of a new core services provider for sexual abuse treatment and mentoring services. Commissioner Moreno moved to approve said contract and authorize the Chair to sign. Commissioner James seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT ID #3635 AGREEMENT FOR PROFESSIONAL SERVICES FOR INFANT EARLY CHILDHOOD MENTAL HEALTH (IECMH) CONSULTATION SERVICES AND AUTHORIZE CHAIR TO SIGN – NORTH RANGE BEHAVIORAL HEALTH: Ms. Grant stated the agreement provides services to in-home childcare providers. The motion to approve said agreement and authorize the Chair to sign was made by Commissioner Ross, seconded by Commissioner James, and it carried unanimously.

6) CONSIDER CORE SERVICES FAMILY PRESERVATION/PLACEMENT ALTERNATIVE COMMISSION REPORT AND AUTHORIZE CHAIR OF HUMAN SERVICES ADVISORY COMMISSION TO SIGN AND ELECTRONIC SUBMITTAL: Ms. Grant shared the annual report which evaluates the effectiveness and cost efficiency of the Core Services Program. Commissioner Kirkmeyer moved to approve said report and authorize the Chair of the Human Services Advisory Commission to sign and electronically submit. The motion was seconded by Commissioner Ross and it carried unanimously.

7) CONSIDER CONTRACT ID #3611 INTERGOVERNMENTAL AGREEMENT FOR FIBER OPTIC CABLE, COPPER CABLE, AND CONDUIT SHARING AND AUTHORIZE CHAIR TO SIGN – 19TH JUDICIAL DISTRICT COURTS: Mr. Rose stated the agreement will allow the 19th Judicial District Courts to leverage physical resources of cable and conduit within County facilities. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.

8) CONSIDER RENEWAL APPLICATION FOR FERMENTED MALT BEVERAGE OFF-PREMISES (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – CIRCLE K STORES, INC., DBA CIRCLE K STORE #2709846: Bob Choate, Assistant County Attorney, reviewed the location and stated there are no referral concerns for renewal. Commissioner Kirkmeyer moved to approve said application and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

9) CONSIDER APPEAL OF THE DECISION BY THE DEPARTMENT OF PUBLIC WORKS TO DENY AN ACCESS PERMIT – LARRY AND MICHELLE EHRLICH: Dawn Anderson, Department of Public Works, reviewed the location of the subject site, the application for two (2) of the four (4) building permits, the proposal to utilize two (2) existing unpermitted accesses, and staff's request that an access permit be submitted for each access the applicant wishes to use. Ms. Anderson stated new access permits are required as a condition of the change in use and shared one (1) of the two (2) existing accesses meets the minimum spacing requirements between the accesses and the nearest roadway intersections. She further shared the applicant moved forward with a variance process, providing an access permit application for the four (4) existing access points, as well as submitting two (2) hardship letters, referred to as Exhibits A and B; ultimately, staff denied the variance because three (3) of the proposed accesses did not meet requirements. She provided a brief overview of the traffic counts, posted speeds, and accident reports. In response to Commissioner Kirkmeyer, Ms. Anderson clarified there are five (5) total existing accesses, due to the permitted Oil and Gas access, as well as the unpermitted two (2) residential and two (2) agricultural; she added the applicant is not requesting to relocate or create accesses, they are simply changing the intended use, and staff is requesting all access points be documented with their intended use. Tiffnee Lamb, Department of Public Works, shared a PowerPoint presentation displaying images of the property, the various accesses, and the access points that do not meet minimum spacing requirements.

Patrick Groom, applicant legal representative, stated Larry and Michelle Ehrlich are present to answer any questions and stated the building is not a primary building and is permitted, thus waiving them from needing an access permit. In reference to a prior conversation with Mr. Choate, Mr. Groom clarified the two (2) building permit referrals were not applied to primary buildings and don't require permitted accesses because there is neither a change in use nor an increase in traffic. Mr. Groom referenced Exhibits A and B to express the safety hazard it would pose on the residents to eliminate the current residential access because it would require the applicants' children to utilize the same access as agricultural equipment.

In response to Commissioner Ross, Mr. Groom confirmed the applicant is willing to close the agricultural access on County Road (CR) 51 (labeled in green), north of the intersection, but would prefer to convert it to a residential access. In response to Commissioner Kirkmeyer, Mr. Groom verified there are two (2) homes on the property and explained the applicant proposes closing the residential access on CR 51

(labeled in blue) and converting the 'green' agricultural access to residential use in order to meet the spacing requirements between the intersection. Commissioner Kirkmeyer expressed her appreciation to staff and the applicants for being willing to compromise to address safety concerns and she shared her support in the solution previously discussed. Commissioner James and Chair Freeman shared their support to leave the accesses as they are because the matter is not a change in use, while Commissioner Kirkmeyer recognized staff is working to improve safety. Ms. Anderson stated, with the 'blue' residential access closed, staff will permit the existing 'green' agricultural access for both residential and agricultural use. Mr. Groom stated the applicants would prefer not to financially invest in removing the closed access, but they're willing to cease use, and the Board agreed. The motion to grant said appeal was made by Commissioner Kirkmeyer, with instruction to staff to permit the 'red' access as residential, the 'green' access as residential and agricultural, and the 'yellow' access as agricultural. The motion was seconded by Commissioner Moreno, and it carried unanimously.

PLANNING:

1) CONSIDER REQUEST TO EXTEND TIME TO COMMENCE OPERATIONS FOR USE BY SPECIAL REVIEW PERMIT, USR-1354, FOR MINERAL RESOURCE DEVELOPMENT FACILITIES FOR OPEN PIT MINING AND MATERIALS PROCESSING, INCLUDING A CONCRETE AND ASPHALT BATCH PLANT IN THE A (AGRICULTURAL) ZONE DISTRICT – AGGREGATE INDUSTRIES WEST CENTRAL REGION, INC.: Esther Gesick, Clerk to the Board, stated Barb Brunk, applicant representative, is not able to attend since she is sheltering, but shared she is willing to call in to the meeting if necessary. Michael Hall, Department of Planning Services, displayed the site on a PowerPoint presentation and summarized the applicant's request for an extension to commence operations, which must commence within three (3) years from the date of approval and will be assumed abandoned if said requirements are not met. Jeremy Deuto, applicant representative, shared his appreciation to the Board and stated the operation has been delayed multiple times due to the 2001 and 2008 financial crisis affecting housing market conditions. In response to Commissioner Kirkmeyer, Mr. Deuto stated he cannot speak to whether the floods affected the site and Mr. Hall confirmed the mine was inundated with water. In response to Commissioner Kirkmeyer, Mr. Hall stated the conditions detailed in Exhibit A, such as an understanding with the Union Pacific Railroad company, are not currently executed and are simply refresher documents to update the mining operation and meet current requirements. Commissioner Kirkmeyer requested language for an amended Resolution to reflect the applicant's agreement to comply with the listed requirements. Mr. Hall noted the amended Resolution will also include the requirement to notify surrounding property owners within 300 feet and he stated there have been minimal concerns from surrounding property owners in the past. In response to Commissioner Kirkmeyer and Chair Freeman, Mr. Hall stated the applicant would be required to commence operation within three (3) years from the date of the extension approval, even though the applicant requested a seven (7) year extension. Responding to Mr. Deuto, Mr. Hall clarified operations must begin by May 20, 2023, meaning all necessary materials and requirements must be submitted and accomplished in a timely manner. Commissioner Kirkmeyer moved to amend the Resolution to add a "Now Therefore Be It Resolved" paragraph, with further details stated by Bruce Barker, County Attorney, as well as the language previously discussed. Commissioner James seconded the motion and it carried unanimously. Commissioner Kirkmeyer moved to approve said amended Resolution to grant the extension request. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER RESUBDIVISION, RES20-0002, FOR CONSOLIDATION OF LOTS 3 AND 4 OF MINOR SUBDIVISION, S-293, INTO ONE (1) LOT – SANDRA MIRANDA, SCOTT GILLIS, AND JILL AND MILTON VEGA, C/O SANDRA MIRANDA: Maxwell Nader, Department of Planning Services, presented the lot summary and the applicant's request for consolidation of Lots 3 and 4, totaling 7.86 acres, being processed concurrently with Change of Zone, COZ20-0001, for C-3 (Business Commercial) Zoning. He reviewed comments from the mineral interest owner and provided a summary of the surrounding uses, displaying photos of the site and surrounding views. Chad Cox, applicant representative, thanked staff,

shared their intention to create consistency between each lot, and stated the site plan application has been submitted. Mr. Cox displayed a PowerPoint presentation (Exhibit A) depicting the property with the drilling window and surface development, which illustrates it's an inappropriate location for drilling based on the various setback standards. In response to Chair Freeman, Mr. Nader shared staff's request to modify Conditions of Approval (COA) #1.A.1 and #1.B.1 to remove "Miranda Resubdivision" as the resubdivision name in all documents to remain consistent with the original subdivision. Melissa King, Department of Public Works, stated staff's request to delete the entirety of COA #1.B.17. No public input was provided. In response to Chair Freeman, Mr. Cox agreed with the changes as stated. Commissioner James moved to approve said Resubdivision, with the Conditions of Approval as amended. Commissioner Kirkmeyer 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 10:24 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Mike Freeman, Chair

Weld County Clerk to the Board

Steve Moreno, Pro-Tem

BY: _____
Deputy Clerk to the Board

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross