

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, AUGUST 5, 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, August 5, 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 James moved to approve the minutes of the Board of County Commissioners meeting of August 3, 2020, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

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

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

PUBLIC INPUT: Jean Mark, LaSalle resident, expressed concerns regarding trash along the road, such as mattresses and furniture, and stated there was a transfer station in the City of Evans, which helped mitigate the problem. In response to Commissioner Kirkmeyer, Ms. Mark stated County Road (CR) 52, north of Lasalle, and CR 43, between CRs 44 and 37, need to be cleared of trash and furniture. Commissioner Kirkmeyer directed the Department of Public Works to pursue the matter.

PROCLAMATIONS:

1) **WELD COUNTY CHILD SUPPORT AWARENESS MONTH – AUGUST 2020:** Chair Freeman read the proclamation for the record. Jamie Ulrich, Director of the Department of Human Services, thanked the Commissioners and introduced the department representatives present who aid with financial stability and other child support services. The Board consecutively expressed their pride in staff's outstanding efforts and for striving to achieve happier, healthier lives for the community. *(Clerk's note: The group gathered for a photo opportunity).*

WARRANTS:

1) GENERAL WARRANTS – AUGUST 4, 2020: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #3921 MEMBERSHIP AGREEMENT FOR HOMELESSNESS PREVENTION AND AUTHORIZE CHAIR TO SIGN – NORTHERN COLORADO CONTINUUM OF CARE: Ms. Ulrich shared the agreement designates Karin Crandall as a representative to participate in membership and committee meetings for the regional coalition. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.

2) CONSIDER CONTRACT ID #3926 EXPENDITURE AUTHORIZATION WORK PLAN FOR MIGRANT AND SEASONAL FARMWORKER (MSFW) AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich stated the Colorado Department of Labor and Employment issued a funding stream for the MSFW program, during which staff will deliver an array of services to migrant and seasonal farmworkers. Commissioner Moreno moved to approve said work plan and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) CONSIDER CONTRACT ID #3927 EXPENDITURE AUTHORIZATION WORK PLAN FOR JOBS FOR VETERAN'S STATE GRANT (JVSG) DISABLED VETERANS OUTREACH PROGRAM (DVOP) AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich detailed the grant is used to cover the overhead and operational costs associated with the DVOP. Commissioner Kirkmeyer moved to approve said work plan and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER CONTRACT ID #3928 INTERGOVERNMENTAL AGREEMENT FOR COUNTY INCENTIVES PROGRAM AND AUTHORIZE CHAIR TO SIGN AND ELECTRONICALLY SUBMIT: Ms. Ulrich shared the intergovernmental agreement creates performance-based benchmarks and deliverables to achieve certain performance standards. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. Commissioner Moreno seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT ID #3929 AGREEMENT FOR PROFESSIONAL SERVICES FOR NURSING CONSULTATION, CARE MANAGEMENT, AND EDUCATION/TRAINING AND AUTHORIZE CHAIR TO SIGN – NORTH COLORADO HEALTH ALLIANCE: Ms. Ulrich presented the transition period of services between vendors for 90 days from July 1, 2020, to September 30, 2020. Responding to Commissioner Kirkmeyer, Ms. Ulrich stated the vendor is no longer able to provide services but is willing to enter into a short-term agreement while the Department of Human Services locates a replacement vendor to ensure services continue during the transition. At the suggestion of Commissioner Kirkmeyer, Ms. Ulrich stated she will inquire whether the Nursing Division of the Department of Public Health and Environment is available to fulfill these services. In response to Commissioners Moreno, Kirkmeyer, and Chair Freeman, Ms. Ulrich confirmed the contract was not renewed because staff was unable to negotiate an appropriate rate and the extension is only for 90 days to allow an adequate transitional period between vendors. Commissioners James and Ross encouraged staff to align services with the Department of Public Health and Environment. The motion to approve said agreement and authorize the Chair to sign was made by Commissioner James, seconded by Commissioner Ross, and it carried unanimously. Responding to Commissioner Kirkmeyer, Ms. Ulrich agreed to send the Board the agreement's historical background. *(Clerk's Note: See additional discussion following item #8 below).*

6) CONSIDER CONTRACT ID #3930 CHILD PROTECTION AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – REACHING HOPE: Ms. Ulrich introduced the new agreement for foster parent consultation, mental health services, and relinquishment counseling. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James and it carried unanimously.

7) CONSIDER CONTRACT ID #3936 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – SHAUN AND PAULA CALL: Ms. Ulrich presented the new respite care provider. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

8) CONSIDER CONTRACT ID #3940 AGREEMENT FOR SUBSTANCE ABUSE TREATMENT SERVICES AND AUTHORIZE CHAIR TO SIGN – SIGNAL BEHAVIORAL HEALTH NETWORK: Ms. Ulrich detailed the agreement allows a service provider coordinator to ensure the provision of high-quality substance abuse evaluation and treatment services. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. Commissioner James seconded the motion and it carried unanimously.

Commissioner Kirkmeyer revisited item #5 under ‘New Business,’ discussing a potential conflict of interest due to the 15-day overlap in the employment dates between two (2) separate employers, the Department of Public Health and Environment and the North Colorado Health Alliance. Responding to Commissioner Kirkmeyer, Bruce Barker, County Attorney, recommended further evaluation of the agreement, but at preliminary consideration, the conflict lies with the individual and not with the Board. In response to Commissioner Moreno, Ms. Ulrich stated the department has not yet been billed for the services provided in July 2020. Chair Freeman expressed concern for the families who will need to find an alternative provider if the agreement is not approved and Commissioner Kirkmeyer expressed concern in the matter being a potential conflict of interest. Responding to Commissioner Ross, Ms. Ulrich assured the payout rate will actually lessen after the 90-day period due to the tapering off of services.

9) CONSIDER CONTRACT ID #3989 MEMORANDUM OF UNDERSTANDING FOR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AND AUTHORIZE CHAIR TO SIGN – CITY OF GREELEY: Sonja Kohlgraf, Sheriff’s Office, stated the City of Greeley is the fiscal agent for the grant and the County’s awarded portion of \$11,055.00, out of the total allotment of \$47,227.00, will be utilized for evidence equipment and other eligible projects in relation to crime and violence. Commissioner Ross moved to approve said memorandum of understanding and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

10) CONSIDER CONTRACT ID #3996 SUBMISSION OF PETITION FOR DESIGNATION OF WELD COUNTY PARKWAY (CR 49) AS A HAZARDOUS MATERIALS ROUTE TO COLORADO STATE PATROL AND AUTHORIZE CHAIR TO SIGN: Elizabeth Relford, Deputy Director of the Department of Public Works, shared the designation of CR 49 as a hazardous materials route reinstates a petroleum exemption for the corridor and she summarized the route and the petroleum exemption history. The motion to approve said petition and authorize the Chair to sign was made by Commissioner Kirkmeyer, seconded by Commissioner Moreno, and it carried unanimously. Commissioner Kirkmeyer thanked Ms. Relford for her effort to promote safety and efficiency.

11) CONSIDER REVOCATION OF COUNTY DANCE HALL LICENSE NUMBER 401 – IHRF, INC.: Mr. Barker detailed the Use by Special Review (USR) Permit does not authorize a dance hall license and the lot would need proper zoning for said activity; therefore, the dance hall license was a mistake and needs to be revoked until a proper zoning USR is processed. Commissioner Kirkmeyer agreed and recommended the \$25.00 application fee be refunded, but Mr. Barker explained the staff and the applicant was informed of the necessary parameters and the Board is statutorily equipped to revoke a license at any point to ensure the safety and welfare of the County, without notice or necessity to refund the fee. He further provided the applicant's representative requested a continuance until the following week to allow adequate time to review. Responding to Chair Freeman, Mr. Barker confirmed the dance hall license does not affect or revoke the liquor license. The applicant was not present for discussion. Commissioner Kirkmeyer expressed the fault lies with the Board for not following the code originally, but the matter must be rectified. Commissioner Kirkmeyer moved to approve said revocation. The motion, which was seconded by Commissioner James, carried unanimously.

12) CONSIDER DECLARING CERTAIN EQUIPMENT AS SURPLUS PROPERTY, APPROVE SALE OF SAME AT AUCTION WITH ROLLER AND ASSOCIATES, AND DELEGATE AUTHORITY TO CONTROLLER TO SIGN ANY NECESSARY DOCUMENTS: Barbara Connolly, Controller, presented the items prepared for auction and stated the replacement vehicles have been received. Commissioner Moreno moved to approve said declaration and delegate authority to the Controller to sign any necessary documents. The motion was seconded by Commissioner James and it carried unanimously.

PLANNING:

1) CONSIDER CANCELLATION AND RELEASE OF COLLATERAL, REASSIGN IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT, AND ACCEPT REPLACEMENT COLLATERAL FOR USE BY SPECIAL REVIEW PERMIT, USR14-0087 – TIMBRO RANCH AND CATTLE, LLC, C/O BNN WESTERN, LLC (FORMERLY C/O WHITING OIL AND GAS CORPORATION): Dawn Anderson, Department of Public Works, shared the request to release the collateral in the amount of \$2,400.00 and reassign to RJM Land Company, LLC, c/o BNN Western, LLC, who has agreed to accept all obligations related to the Use by Special Review Permit, USR14-0087. Commissioner Kirkmeyer moved to approve said Resolution. The motion was seconded by Commissioner Moreno and it carried unanimously. *(Clerk's Note: The presented information pertains to item #2).*

2) CONSIDER CANCELLATION AND RELEASE OF COLLATERAL, REASSIGN IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT, AND ACCEPT REPLACEMENT COLLATERAL FOR USE BY SPECIAL REVIEW PERMIT, USR15-0021 – RJM LAND COMPANY, LLC, C/O BNN WESTERN, LLC (FORMERLY C/O WHITING OIL AND GAS CORPORATION): Ms. Anderson presented the request to release the collateral in the form of a performance bond in the amount of \$2,400.00 and reassign to Timbro Ranch and Cattle, LLC, c/o BNN Western, LLC. The motion to approve said Resolution was made by Commissioner Kirkmeyer, seconded by Commissioner James, who clarified the Planning items were presented in reverse order, and it carried unanimously. *(Clerk's Note: The presented information pertains to item #1).*

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 9:41 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Mike Freeman, Chair

Steve Moreno, Pro-Tem

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross