

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, AUGUST 7, 2023

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 7, 2023, 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 Perry L. Buck, Pro-Tem
Commissioner Scott K. James
Commissioner Kevin D. Ross – EXCUSED UNTIL 9:29 A.M.
Commissioner Lori Saine

Also present:

Assistant County Attorney, Karin McDougal
Acting Clerk to the Board, Houston Aragon
Controller, Chris D'Ovidio

MINUTES:

1) In response to Chair Freeman, Commissioner Saine moved to modify the Minutes of the Board of County Commissioners meeting of July 19, 2023, (*Cont'd from 8/2/2023*) to reflect the verbatim content as provided by the Clerk to the Board; however, due to lack of a second, the motion failed. Commissioner James moved to approve the Minutes of the Board of County Commissioners meeting of July 19, 2023, (*Cont'd from 8/2/2023*), as originally drafted. Commissioner Buck seconded the motion. Commissioner Saine asserted the minutes, as presented, are inaccurate due to the omission to her comment referencing an award for leadership which was presented by staff, contrary to the decision to remove her role as Commissioner Coordinator. In response, Chair Freeman countered by stating the minutes are not intended to be a verbatim document, rather, they are a summary of the content based on Roberts Rules of Order. He further stated for those who are interested, the audio and visual recordings are available as public record. In rebuttal, Commissioner Saine stated the minutes would still be incorrect as originally drafted, even without being verbatim. Chair Freeman disagreed and stated the minutes, as presented, are accurate as to the overall substance of the matter that was discussed. Commissioner Saine expressed her opinion of the importance of having the record reflect the award she received. After discussion, and upon a roll call vote, the motion carried three (3) to one (1), with Commissioner Saine opposed.

2) There being no corrections to the Minutes of the Board of County Commissioners meeting of July 24, 2023, as printed, Commissioner Buck moved to approve. Commissioner James seconded the motion, and it carried unanimously.

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

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

WARRANTS:

1) GENERAL WARRANTS – AUGUST 4, 2023: Commissioner James moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2300143, CARBIDE CUTTING BITS (PICKS) – DEPARTMENT OF PUBLIC WORKS: Rose Everett, Purchasing Department, stated two (2) bids were received from 4 Rivers Equipment and Wear Parts and Equipment. She stated, after review, staff recommends selecting the second low bidder who met specifications, 4 Rivers Equipment, for a total amount of \$161,735.00. Ms. Everett explained Wear Parts and Equipment was the low bid; however, they did not meet specifications. Commissioner James moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2300116, LEARNING/TRAINING CONTENT FOR INTEGRATION INTO WORKDAY – DEPARTMENT OF INFORMATION TECHNOLOGY AND DEPARTMENT OF HUMAN RESOURCES: Ryan Rose, Director of the Department of Information Technology, stated two (2) bids were received and staff recommends selecting the lowest bidder who proposed the lowest cost solution, Carahsoft Technology Corporation, for a three (3)-year term option, in the amount of \$147,798.00, that would be divided over the term at the cost of \$46,900.00 for the first year, \$49,266.00 for the second year, and \$51,612.00 for the third and final year. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER TEMPORARY CLOSURE OF CR 47 BETWEEN CRS 4 AND 6: Kevin Hettinger, Department of Public Works, stated this closure will begin on August 8, 2023, and go through August 11, 2023, for an emergency irrigation culvert replacement. He explained the irrigation water schedule with the ditch company allows for this replacement to occur. Commissioner James moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 8 BETWEEN CRS 49 AND 51: Mr. Hettinger requested to extend the temporary closure of County Road (CR) 8 between CRs 49 and 51, through August 18, 2023, due to the ditch company's irrigation water schedule and utility work. Commissioner James moved to approve said extension of temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CRS 74 AND 33 INTERSECTION: Michael Bedell and Don Dunker, Department of Public Works, explained the request to extend the temporary closure of the intersection of CRs 74 and 33, through December 1, 2023, due to the contractor, Lawson Construction Company, falling significantly behind schedule. In response to Chair Freeman, Mr. Dunker explained the details for the three (3) month delay are related to incimate weather, the contractor not protecting their work, and insufficient staff onsite to execute certain aspects of the project. He noted, for the record, the day this project was slated for completion, August 14, 2023, is, in fact, the date they will begin pouring concrete. Mr. Dunker further stated, starting August 15, 2023, the County will begin charging liquidated damages per day as stated in the contract, in the amount of \$7,800.00, for not completing the project on time. He stated starting October 8, 2023, the County will add an additional \$7,800.00, for not meeting the end of the contract, for a total of \$15,600.00, per day, until the project is completed. In response to Commissioner James, Mr. Dunker stated he is hopeful the contractor will complete the project by the extension date with the assistance of staff working with them. He further noted Curtis Hall, Director of the Department of Public Works, spoke with the contractor to address the timeline issues back at the end of May 2023, and there have been no improvements; however, staff would

need to speak with the County Attorney's Office to determine factors for termination of said contract for being out of compliance with the terms and conditions. In response to Chair Freeman, Mr. Dunker confirmed this contractor has been used by Weld County on the roundabout project at the intersection of U.S. Highway 34 and County Road (CR) 49, and Mr. Bedell added this contractor has done similar projects in Larimer County, and that project timeline was drastically behind as well. There being no further discussion, Commissioner James moved to approve said extension of temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) CONSIDER RENEWAL APPLICATION FOR A BREW PUB (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – COLLISION BREWING COMPANY, LLC, DBA COLLISION BREWING COMPANY: Matthew Conroy, Assistant County Attorney, stated this renewal application is for a facility located outside of Longmont, Colorado, which has had a license since 2018. He stated there are no concerns from referral agencies, and staff recommends approval. Commissioner Buck moved to approve said renewal application and authorize Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

5) CONSIDER REAPPOINTMENT TO BOARD OF ADJUSTMENT: Commissioner James moved to approve said reappointment. The motion was seconded by Commissioner Buck, and it carried unanimously.

6) CONSIDER AMENDMENT #2 TO PROFESSIONAL SERVICES AGREEMENT FOR ENTERPRISE RESOURCE PLANNING (ERP) PAYROLL AND TIME TRACKING FUNCTIONAL LEAD CONSULTING, AND AUTHORIZE CHAIR TO SIGN – REMY CORPORATION: Jill Scott, Director of the Department of Human Resources, stated staff is requesting additional HCM resources for the ERP implementation project and this amendment has no monetary impact to the existing contract. Commissioner Buck moved to approve said amendment, based on staff recommendation. The motion was seconded by Commissioner James, and it carried unanimously.

7) SECOND READING OF CODE ORDINANCE #2023-10, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 3 HUMAN RESOURCES OF THE WELD COUNTY CODE (*CONCEALED CARRY*): Commissioner James moved to read Code Ordinance #2023-10 by title only. The motion was seconded by Commissioner Buck, and it carried unanimously. Karin McDougal, Assistant County Attorney, read the title for the record and indicated this ordinance is regarding a slight change to the Code concerning the concealed carry policies for employees. Ms. Scott stated there have been no changes since First Reading. There was no public testimony offered concerning this matter. Commissioner Saine moved to approve Code Ordinance #2023-10 on Second Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

PLANNING:

1) CONSIDER TWO-LOT FAMILY FARM DIVISION, FFD23-0008, WITH LOT A EXCEEDING 10 ACRES IN SIZE (12 ACRES) – DAVID DEWEY: Ms. McDougal read the notice for the record. Maxwell Nader, Department of Planning Services, stated the request is to split the subject property, with Lot A proposed to be 12 acres, and Lot B being 62 acres; however, Lot A is larger than allowed by County Code Section 24-7-20.D. He stated staff received a letter from the applicant, dated May 3, 2023, which explained the proposed 12-acre Lot A presents a unique circumstance, because it is separated from the remainder of the farm by an irrigation ditch and cannot be farmed, and he desires the purchase this non-irrigated portion of the property from his father. Mr. Nader stated staff has reviewed this request and recommends denial, because the proposed smaller lot exceeds the maximum lot size allowed per Code. He also displayed maps and an image of the ditch, and confirmed this property is in the A (Agricultural) Zone District.

Daniel Dewey, applicant, alongside his father and current property owner, David Dewey, reiterated the request for the Family Farm Division (FFD). No public comment was offered concerning this matter.

Chair Freeman stated there are always exceptions to the rules, and expressed his opinion that in this instance, the applicant's request for an exemption from the rule is commonsense.

Commissioner James concurred with Chair Freeman's opinion of commonsense, but indicated the Board is held to the Code and must ascertain the Findings within the resolution. Following discussion with staff, Commissioner James presented the Findings of compliance with the criteria listed in Sections 24-7-10.A-G, specifically noting the unique characteristic of the location of the ditch justifies the exemption from the ten (10)-acre maximum requirement of item to allow Lot B to consist of 12 acres. Commissioner Saine concurred. Commissioner James moved to approve Two-Lot Family Farm Division, FFD23-0008, with the Findings as stated, along with the Conditions of Approval. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CONTRACT ID #7249 IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT ACCORDING TO POLICY REGARDING COLLATERAL FOR IMPROVEMENTS, AUTHORIZE CHAIR TO SIGN, AND ACCEPT COLLATERAL FOR PLANNED UNIT DEVELOPMENT FINAL PLAN, PUDF22-0003 – WESLEY AND SHAUN BASILIERE: Jazmyn Trujillo-Martinez, Department of Planning Services, requested the acceptance of Project Collateral, in the amount of \$76,596.17, procured in the form of a cashier's check issued by ENT Credit Union. She stated the applicant understands the required improvements to be completed as referenced in the scope of work. Commissioner James moved to approve said agreement, authorize the Chair to sign, and accept collateral. Seconded by Commissioner Buck, the motion carried unanimously.

3) CONSIDER TERMINATION OF ROAD MAINTENANCE IMPROVEMENTS AGREEMENT FOR 1041 WELD OIL AND GAS LOCATION ASSESSMENT PERMIT, 1041WOGLA19-0044 – HIGHPOINT OPERATING CORPORATION: Ms. Trujillo-Martinez requested the Board terminate the Road Maintenance Agreement (RMA) as a result of the expiration of the 1041 Weld Oil and Gas Location Assessment Permit, 1041WOGLA19-0044, on May 6, 2023. She stated Highpoint Operating Corporation was notified of said expiration on May 25, 2023, by the Department of Oil and Gas Energy. Commissioner Buck moved to approve said termination. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER TERMINATION OF ROAD MAINTENANCE IMPROVEMENTS AGREEMENT FOR 1041 WELD OIL AND GAS LOCATION ASSESSMENT PERMIT, 1041WOGLA19-0007 – VERDAD RESOURCES, LLC: Ms. Trujillo-Martinez requested the Board terminate the RMA as a result of the expiration of the 1041 Weld Oil and Gas Location Assessment Permit, 1041WOGLA19-0007, on April 30, 2023. She stated Verdad Resources, LLC, was notified of said expiration on May 25, 2023, by the Department of Oil and Gas Energy. Commissioner Buck moved to approve said termination. The motion, which was seconded by Commissioner James, carried unanimously.

5) SECOND READING OF CODE ORDINANCE #2023-09, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (*LIMITED EVENT PERMITS*): Commissioner James moved to read Code Ordinance #2023-09 by title only. The motion was seconded by Commissioner Buck, and it carried unanimously. Ms. McDougal read the title for the record. (*Clerk's Note: Chair Freeman indicated Commissioner Ross was present at 9:29 a.m.*) Tom Parko, Director of Planning Services, reviewed the proposed changes to allow for unincorporated Weld County residents to apply for Limited Event Permits that previously would require a Use by Special Review Permit, for up to four (4) events per year, and no more than three (3) consecutive days per event. He indicated there was a change on the record during First Reading to Page 10, Paragraph R, by altering the verbiage from 'shall' to 'may', but there have been no additional changes since. No public testimony was offered concerning this matter. Commissioner Saine moved to approve Code Ordinance #2023-09 on Second Reading. The motion was seconded by Commissioner Ross, and it carried unanimously.

PUBLIC COMMENT: No public comment was offered.

RESOLUTIONS AND ORDINANCES: The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2023-09, and #2023-10, were both approved on Second 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 9:31 a.m.

These Minutes were approved on the 21st day of August, 2023.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Mike Freeman, Chair

Perry L. Buck, Pro-Tem

Scott K. James

Kevin D. Ross

Lori Saine