

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, NOVEMBER 13, 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, November 13, 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  
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker  
Acting Clerk to the Board, Houston Aragon  
Chief Financial Officer, Cheryl Pattelli

**MINUTES:** There being no corrections to the Minutes of the Board of County Commissioners meeting of October 30, 2023, as printed, Commissioner Buck moved to approve. Commissioner Ross 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 Ross seconded the motion and it carried unanimously.

#### **PROCLAMATIONS:**

1) APPRENTICESHIP WEEK – NOVEMBER 13-19, 2023: Chair Freeman read the proclamation for the record. Tami Grant, Deputy Director of the Department of Human Services, thanked the Board for the recognition and shared the opportunities of the apprenticeships to help strengthen the local workforce and economy through an 'Earn and Learn' model. She celebrated the role that apprenticeships have in learning and honing skills for various industries, which include sectors of technology, healthcare, construction, and manufacturing. Ms. Grant reported there are over 6,000 active apprentices in Colorado, and approximately 90% of those individuals will go on to retain an annual salary of \$80,000.00, on average, and further noted Wayne's Electric in Fort Lupton, Colorado, is collaborating with Employment Services of Weld County, and has provided four (4) apprenticeships. She stated there is a regional business recognition and informational session at the Blue Arena from 3:00-4:30 p.m., in Loveland, Colorado, that will recognize local and regional employers who are leveraging apprentices to build their workforce talent, and feature resources for businesses who are interested in learning more about the apprenticeship process. Ms. Grant reported, to date, 47 apprentices have been supported through the Employment Services of Weld County, and recognized staff and community partners who were present. In turn, each Commissioner thanked the Workforce Development team, and stated it is their honor to

recognize the energy and investments made for citizens gaining employment in the workforce. They further expressed how this is just another example of unsung heroes making drastic investments and meaningful connections in the lives of citizens in Weld County. *(Clerk's Note: The group gathered for a photo opportunity).*

**WARRANTS:**

1) GENERAL WARRANTS – NOVEMBER 8, AND 9, 2023: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion and it carried unanimously.

**NEW BUSINESS:**

1) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 43 BETWEEN CRS 42 AND 44: Amy Mutchie, Department of Public Works, requested an extension for an additional two (2) weeks from November 17, 2023, through December 1, 2023, due to schedules and weather delays. She stated the detour route has no changes, and staff recommends approval. Commissioner James moved to approve said extension of temporary closure. The motion was seconded by Commissioner Ross, and it carried unanimously.

2) CONSIDER APPEAL OF DECISION BY CHIEF FINANCIAL OFFICER TO DENY PROTEST OF AWARD OF CONTRACT TO GLOBAL TEL\*LINK CORPORATION, DBA VIAPATH TECHNOLOGIES, FOR BID #B2300133, INMATE COMMUNICATION SERVICES – SECURUS TECHNOLOGIES, LLC: Karin McDougal, Deputy County Attorney, explained the purpose for this matter is for the Board to determine if they are to grant or deny the appeal of the decision of Cheryl Pattelli, Chief Financial Officer.

Bob Choate, representative of Securus Technologies, LLC, explained his client is the current inmate communication service provider and has serviced the Weld County Jail for the past eighteen (18) years. He indicated Securus made a formal protest within five (5) days, as allowed per the Weld County Code, as well as conducted a Colorado Open Records Act (CORA) request to obtain the scoring qualifications. Mr. Choate contested the scoring based on the Request for Proposal (RFP) was not completely transparent and he recited the breakdown in the scoring tabulations. He stated, due to how close the score was between Securus Technologies, LLC, and ViaPath, LLC, he requested the Board grant their appeal and have this go out for re-bid with clarifications for transparency, as stated. In response to Commissioner Saine, Mr. Choate clarified Securus has, in-fact, received the RFP documents but took several weeks to obtain. In response to Commissioner James, Mr. Choate confirmed it is his client's position that the scoring was not applied as stated in the RFP, and further indicated the commissions portion of the proposal was not clearly stipulated. In response to Commissioner Ross, Mr. Choate agreed that 'Best and Final Offer' must stipulate all matters within the proposal submittal, including the commissions being offered, but further stated there appears to have been a subjective review of all the submittals would be different person to person, rather than an objective review.

Karin McDougal, Deputy County Attorney, stated the Weld County Sheriff's Office has been overly transparent with each vendor that placed a bid on this RFP, nor did Sergeant Jarrod Bean, Sheriff's Office, determine results that were outside the scope of work. She further stated each vendor was provided the same questions to be answered, and based on those answers, returned with the request of Best and Final offers. Ms. McDougal stated four (4) staff members in the jail reviewed each of the documents and performed individual scoring prior to convening to discuss their findings, which in this case ViaPath, LLC, was recommended for approval. She stated this will be a difficult transition for the Sheriff's Office, however, the process was executed per the Weld County Code and should be honored. In response to Commissioner Saine, Ms. McDougal confirmed the bid was awarded on October 2, 2023.

Sergeant Jarrod Bean, Sheriff's Office, explained his process on how he conducted his evaluations for the results that were recommended for the inmate communication services. He stated the rates to the inmates were identical between Securus Technologies, LLC, and ViaPath, LLC; however, the commission availability was the determining factor where the two (2) companies varied significantly. Sergeant Bean further stated over the three (3)-year initial term, the commissions equated to \$870,000.00 more in funding to help offset expenses of the jail. After discussion, Sergeant Bean addressed and confirmed he used the same grading criteria for each vendor, the largest category is 30 points for services and support, and stated the commissions rate was not the main priority during the review process. After further discussion, Sergeant Bean confirmed communications via email regarding the expectations surround the request for 'Best and Final Offer', and stated the jail currently does not have tablets but intends on obtaining them for future use; thus, he reached out to Larimer County to get an idea of how to properly calculate this portion, which currently conducts business with ViaPath for inmate communications. After discussion, Mr. Choate confirmed the process of which the calculations were tabulated was as accurate as anticipated but reiterated the proposals were not made aware the commissions were part of the need for the 'Best and Final Offer'. Based on his review of the documents, Chair Freeman indicated that all the needed information was supplied and Securus Technologies, LLC, was outbid by ViaPath, LLC, since the individual scoring was applied in a uniform manner.

Captain Matt Turner, Sheriff's Office, clarified this bid is to fulfill a statutory requirement to provide communication needs for inmates, and he gave insight to the objective process to evaluate subjective information, and tabulations were made with subsequent analysis. Captain Turner reiterated although the commissions rate was not the main priority during the review process, it is absolutely a factor due to the fiscal responsibility and accountability to the tax-paying citizens of Weld County; thus, the ethical decision is to award to ViaPath, LLC. Ms. McDougal followed up by reading the stated email regarding the expectations surrounding the request for 'Best and Final Offer,' for the record. In response to Commissioner Saine, Sergeant Bean confirmed the cost of equipment replacement is included in the cost with ViaPath, LLC. Commissioner Saine reiterated her preference to re-bid the matter, due to the very close margin of difference in the bids and the potential for an added savings to the County. Commissioner James moved to deny said appeal, which was seconded by Commissioner Ross. Upon a roll call vote, the motion carried four (4) to one (1), with Commissioner Saine opposed.

**PLANNING:**

1) CONSIDER FULL RELEASE OF WARRANTY COLLATERAL FOR MINOR AMENDED USE BY SPECIAL REVIEW PERMIT, MUSR15-0020, AS RELATED TO USE BY SPECIAL REVIEW PERMIT, USR-1687 – JOURNEY VENTURES, LLC, C/O J-2 CONTRACTING COMPANY, INC.: Jazmyn Trujillo-Martinez, stated staff received a request from the applicant for the full release of warranty collateral for Use by Special Review Permits, USR-1687, and USR15-0020, in the amount of \$135,187.36. She stated this was held in the form of a General Purpose Rider to the original bond #2269333, that was issued by Swiss Re Corporate Solutions America Insurance Company. Ms. Trujillo-Martinez stated the two (2)-year warranty period concluded on September 1, 2023, and staff recommends approval. Commissioner Ross moved to approve said full release of collateral. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHARLES SIMANSKY: Adria Schiel, Assistant County Attorney, stated zoning violation penalties for Charles Simansky were previously certified on November 9, 2022, for the period of July 11, 2022, through October 9, 2022. She stated the violation includes storage of a mobile home after the building permits have expired, the property has not come into compliance,

and there is a court-ordered penalty of \$10.00 per day, beginning on October 10, 2022, through October 11, 2023 (a period of 367 days), which results in a total special assessment of \$3,660.00 to be certified. The property owner was not present to offer testimony concerning this matter. Commissioner Ross moved to approve said certification. The motion was seconded by Commissioner James, and it carried unanimously.

3) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – GRACIELA QUINONEZ AND VERONICA GUTIERREZ: Ms. Schiel stated zoning violation penalties for Graciela Quinonez and Veronica Gutierrez was previously certified on November 9, 2022, for the period of May 23, 2022, through October 9, 2022, for violations including, storage of a non-commercial junkyard and derelict vehicles. She noted the case was closed by the Department of Planning Services on September 7, 2023; however, there is still an outstanding court-ordered penalty of \$10.00 per day, beginning on October 10, 2022, through September 26, 2023 (a period of 353 days), which results in a total special assessment of \$3,510.00 to be certified. The property owner was not present to offer testimony concerning this matter. Commissioner James moved to declare the penalties are no longer due or owing, due to the property now being in compliance. The motion was seconded by Commissioner Ross, and it carried unanimously.

4) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JOHN KRENZELOK: Ms. Schiel stated the zoning violation penalties for John Krenzelo were previously certified on November 14, 2022, for the period of May 23, 2022, through October 9, 2022. Ms. Schiel indicated the violation includes an unpermitted manufactured structure, an occupied camper/trailer/RV, non-commercial junkyard without a primary use, and accessory structures without a primary use. Ms. Schiel also noted the property was the scene of a fire which destroyed a camper and garage structure; however, a recent staff inspection did find an occupied RV on the property and noted health/safety concerns. She stated the property has not come into compliance and has a court-ordered penalty of \$10.00 per day, beginning on October 10, 2022, through October 11, 2023 (a period of 367 days), which results in a total special assessment of \$18,300.00 to be certified. The property owner was not present to offer testimony concerning this matter. Commissioner Buck moved to approve said certification. The motion was seconded by Commissioner James, and it carried unanimously.

5) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – VINCE HOLTON: Ms. Schiel stated the zoning violation for Vince Holton was previously certified on February 13, 2023, for the period of May 23, 2022, through January 11, 2023, for storage of a mobile home without a permit. She stated the property has not come into compliance and has a court-ordered penalty of \$10.00 per day, beginning on January 12, 2023, through October 11, 2023 (a period of 272 days), which results in a total special assessment of \$2,720.00 to be certified. The property owner was not present to offer testimony concerning this matter. Commissioner Ross moved to approve said certification. The motion was seconded by Commissioner James, and it carried unanimously.

6) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – LUIS LOPEZ: Ms. Schiel stated the zoning violation for Luis Lopez was previously certified on November 9, 2022, for the period of May 23, 2022, through October 9, 2022. She indicated the violation includes multiple unpermitted detached accessory structures that do not meet setback, offset, or lot coverage requirements, in addition to multiple on-site commercial vehicles and equipment. She stated the property has not come into compliance and has a court-ordered penalty of \$10.00 per day, beginning on October 10, 2022, through October 11, 2023 (a period of 367 days), which results in a total special assessment of \$3,660.00 to be certified. The property owner was not present to offer testimony concerning this matter. In response to Commissioner James, Cynthia Villanueva, Department of Planning Services, stated staff was in communication in June 2023,

requesting a building permit to address the setback requirements, but staff has received no response. Commissioner James moved to approve said certification. The motion was seconded by Commissioner Ross, and it carried unanimously.

7) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – ANDRES HERNANDEZ, JR.: Ms. Schiel stated the zoning violation for Andres Hernandez, Jr., was previously certified on November 9, 2022, for the period of May 23, 2022, through October 9, 2022, for a visible non-commercial junkyard within the floodplain. She stated the property has not come into compliance, and staff has received ongoing complaints for debris which are overflowing onto a neighboring parcel. She further stated there is a court-ordered penalty of \$40.00 per day, beginning on October 10, 2022, through October 11, 2023 (a period of 367 days), which results in a total special assessment of \$14,640.00 to be certified. The property owner was not present to offer testimony concerning this matter. Commissioner Ross moved to approve said certification. The motion was seconded by Commissioner Saine, and it carried unanimously.

8) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF BUILDING AND ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – ROLANDO AND ELOISA CASTILLO: Ms. Schiel stated the building and zoning violations for Rolando and Eloisa Castillo were previously certified on November 9, 2022, for the period of May 23, 2022, through October 9, 2022, for violations including, storage of a non-commercial junkyard, too many animals onsite, and no permit for electrical work. She stated the property has not come into compliance and has a court-ordered penalty of \$25.00 per day, beginning on October 10, 2022, through October 11, 2023 (a period of 367 days), which results in a total special assessment of \$9,175.00 to be certified. The property owner was not present to offer testimony concerning this matter. Commissioner Buck moved to approve said certification. The motion was seconded by Commissioner James, and it carried unanimously.

9) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – BRUCE BROTEMARKLE: Ms. Schiel stated the zoning violation for Bruce Brotemarkle was previously certified on November 9, 2022, for the period of May 23, 2022, through October 9, 2022, for violations including, a non-commercial junkyard and an occupied RV/camper. She stated the property has not come into compliance and has a court-ordered penalty of \$50.00 per day, beginning on October 10, 2022, through October 11, 2023 (a period of 367 days), which results in a total special assessment of \$18,300.00 to be certified. The property owner was not present to offer testimony concerning this matter. Commissioner Ross moved to approve said certification. The motion was seconded by Commissioner Buck, and it carried unanimously.

10) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – BAUDEL TORTOLEDO HERNANDEZ: Ms. Schiel stated the zoning violation for Baudel Tortoledo Hernandez was previously certified on November 9, 2022, for the period of June 6, 2022, through October 9, 2022, for violations including, accessory structures built without permits, and exceeding the maximum allowed lot coverage. She stated the property has not come into compliance and has a court-ordered penalty of \$25.00 per day, beginning on October 10, 2022, through October 11, 2023 (a period of 367 days), which results in a total special assessment of \$9,175.00 to be certified. The property owner was not present to offer testimony concerning this matter. Commissioner James moved to approve said certification. The motion was seconded by Commissioner Ross, and it carried unanimously.

**PUBLIC COMMENT:** No public comment offered.

**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 10:06 a.m.

These Minutes were approved on the 27th day of November, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST: \_\_\_\_\_ (AYE)  
Mike Freeman, Chair

Weld County Clerk to the Board \_\_\_\_\_ (AYE)

BY: \_\_\_\_\_ (AYE)  
Perry L. Buck, Pro-Tem

Deputy Clerk to the Board \_\_\_\_\_ (AYE)  
Scott K. James

APPROVED AS TO FORM: \_\_\_\_\_ (AYE)  
Kevin D. Ross

\_\_\_\_\_ (NAY)  
County Attorney  
Lori Saine

Date of signature: \_\_\_\_\_