

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, AUGUST 31, 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 31, 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 August 26, 2020, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on August 26, 2020, as follows: 1) USR18-0130 – City of Thornton. Commissioner Kirkmeyer seconded the motion, which 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.

#### **WARRANTS:**

1) GENERAL WARRANTS – AUGUST 28, 2020: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Ross seconded the motion, and it carried unanimously.

#### **BIDS:**

1) APPROVE BID #B2000119, NORTH CAMPUS FIBER RING – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated staff received one (1) bid from a vendor out of the eight (8) who attended the prebid meeting and summarized the reasons provided from the vendors for why they chose not to bid the project. Mr. Rose further expanded

he recommends selecting the sole bidder who met specifications, Sturgeon Electric Company, for a total amount of \$917,547.39. Commissioner Ross moved to approve said bid and the motion was seconded by Commissioner James. In response to Commissioner James, Mr. Rose confirmed the cost of the project is as anticipated. Without any further discussion, the motion carried unanimously.

2) APPROVE BID #B2000147, LEASED MOTOR GRADERS (QTY 11 – 36 MONTH LEASE) – DEPARTMENT OF PUBLIC WORKS (*CONT'D FROM 8/24/2020*): Rob Turf, Purchasing Department, shared staff's request to continue the matter to September 9, 2020, to allow staff adequate time to review. Commissioner Moreno moved to continue said bid to September 9, 2020, at 9:00 a.m., the motion was seconded by Commissioner Ross, and it carried unanimously.

3) APPROVE BID #B2000149, EVIDENCE NORTHERN COLORADO REGIONAL FORENSIC LABORATORY (NCRFL) EXPANSION BUILDING CABLING – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose recommended selecting Sturgeon Electric Company, the low bidder that met specifications, for a total amount of \$14,114.20. Commissioner James moved to approve said bid, the motion was seconded by Commissioner Moreno, and it carried unanimously.

4) APPROVE BID #B2000158, DEPARTMENT OF PUBLIC WORKS OFFICE ADDITION CABLING – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose introduced GigaSpan Solutions as the low bidder selected by staff, confirmed they met all specifications, and recommended awarding the bid to them for a total amount of \$21,652.00. Commissioner Moreno moved to approve said bid, the motion was seconded by Commissioner James, and it carried unanimously.

5) APPROVE BID #B2000154, CORONER'S OFFICE BUILDING REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed staff's recommendation to select Dohn Construction, Inc., the low bidder meeting specifications, for a total of \$3,079,000.00. Commissioner James moved to approve said bid, the motion was seconded by Commissioner Moreno, and it carried unanimously.

6) APPROVE BID #B2000156, HOUSEHOLD HAZARDOUS WASTE AND DISPOSAL SERVICES – DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Mr. Turf stated staff recommends selecting the lowest bidder who met specifications, Clean Harbors Environmental Services, Inc., with various costs based on transactions. Commissioner Kirkmeyer moved to approve said bid, the motion was seconded by Commissioner Ross, and it carried unanimously.

7) APPROVE BID #B2000165, MEDICAL EQUIPMENT FOR JAIL 2 WEST EXPANSION – SHERIFF'S OFFICE: Mr. Turf reviewed staff's recommendation to select Tayjor-Med, Inc., dba Med-Electronics, the low bidder meeting specifications, for a total of \$21,130.00. In response to Commissioner Kirkmeyer, Mr. Turf shared the original lowest bidder was an incomplete bid. Commissioner Moreno moved to approve said bid, the motion was seconded by Commissioner Ross, and it carried unanimously.

**OLD BUSINESS:**

1) CONSIDER PERMIT APPLICATION AND REPORT OF CHANGES TO CHANGE, ALTER, OR MODIFY LIQUOR LICENSED PREMISES AND AUTHORIZE CHAIR TO SIGN – TAPPIST MUNKS, LLC, DBA OUTWORLD BREWING (*CONT'D FROM 8/17/2020*): Bob Choate, Assistant County Attorney, reviewed the matter discussed on August 17, 2020, and affirmed the applicant completed the construction of permanent fencing. Brenda Fuller, licensee, shared her availability to answer any questions the Board may have. Commissioner Ross moved to approve said permit application and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #4061 SINGLE ENTRY POINT (SEP) SUBRECIPIENT PERFORMANCE QUESTIONNAIRE FOR FISCAL YEAR (FY) 2021 CENTRAL SERVICES COST ALLOCATION PLAN AND DELEGATE AUTHORITY TO CLERK TO THE BOARD TO COMPLETE AND SUBMIT ELECTRONICALLY ON BEHALF OF THE CHAIR: Jamie Ulrich, Director of the Department of Human Services, stated the questionnaire is an annual audit requirement for the Federally funded Single-Entry Point Program. Commissioner Kirkmeyer moved to approve said questionnaire and delegate authority to the Clerk to the Board to complete and submit it electronically on behalf of the Chair. Seconded by Commissioner James, the motion carried unanimously.

2) CONSIDER CONTRACT ID #4059 RAILROAD HIGHWAY GRADE CROSSING CLOSURE AND MAINTENANCE AGREEMENT FOR CR 37 AND AUTHORIZE CHAIR TO SIGN – UNION PACIFIC RAILROAD (UPRR) COMPANY: Elizabeth Relford, Deputy Director of the Department of Public Works, shared the requests for closure and maintenance agreements for County Roads (CR) 37 and 78, which is the next Agenda item, both of which have been approved for closure by the Public Utilities Commission (PUC) and are at no cost to the County. Responding to Chair Freeman, Ms. Relford detailed a preconstruction meeting was held the previous week and the request to vacate a portion of the CRs 37 and 78 right-of-way will be brought before the Board for consideration on September 21, 2020, before the closures can occur. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

3) CONSIDER CONTRACT ID #4060 RAILROAD HIGHWAY GRADE CROSSING CLOSURE AND MAINTENANCE AGREEMENT FOR CR 78 AND AUTHORIZE CHAIR TO SIGN – UNION PACIFIC RAILROAD (UPRR) COMPANY: Ms. Relford summarized the discussion from the previous Agenda item and Commissioner Ross commended staff for their diligence to ensure a safe and cost-effective solution. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. Commissioner Ross seconded the motion and it carried unanimously.

4) CONSIDER CONTRACT ID #4062 APPLICATION TO REMOVE EXISTING ACTIVE WARNING RAILROAD GATES, CROSSING SURFACE, AND ROAD APPROACHES TO CLOSE THE EXISTING CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD (UPRR) COMPANY CROSSING AT CR 64, AND AUTHORIZE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) TO SUBMIT ON BEHALF OF WELD COUNTY: Ms. Relford detailed the application to the Public Utilities Commission (PUC) is for closure of the railroad crossing at “O” Street and U.S. Highway 85. Commissioner Ross moved to approve said application and authorize the Colorado Department of Transportation (CDOT) to submit on behalf of Weld County. The motion was seconded by Commissioner Kirkmeyer, who stated in-person and virtual open-houses were held, of which only two people attended, leading her to believe the alternative provision accommodated by CDOT proved fruitful. There being no further discussion, the motion carried unanimously.

5) CONSIDER DIRECTING CLERK TO THE BOARD TO HAVE PUBLISHED EMERGENCY ORDINANCE NO. 256-A SUPPLEMENTAL APPROPRIATION FOR 2020: Barbara Connolly, Controller, stated the Resolution directs the Clerk to publish the ordinance. The motion to approve said Resolution was made by Commissioner Kirkmeyer, seconded by Commissioner Ross, and it carried unanimously.

**PLANNING:**

1) CONSIDER PARTIAL VACATION OF USE BY SPECIAL REVIEW PERMIT, USR15-0054 – NEVIN, KAREN, AND JALYNN BYLER: Diana Aungst, Department of Planning Services, presented the lot summary and the applicants’ request to partially vacate USR15-0054 so the USR is vacated from Lot A and only remains on Lot B of RECX20-0077. Nevin Byler, applicant, was present to answer any questions the Board may have. Commissioner Kirkmeyer moved to approve said partial vacation. Seconded by Commissioner James, the motion carried unanimously.

2) CONSIDER RESCINDING OR EXTENDING USE BY SPECIAL REVIEW PERMIT, USR18-0073 – MARK SLOAN, AND EVAN AND TARA MARCELLUS: Michael Hall, Department of Planning Services, summarized the zoning violation was due to the presence of an unpermitted home business and a non-commercial junkyard on-site, while also reviewing the Conditions of Approval (COA) and the USR map have not been finalized and recorded. Mark Sloan, applicant, stated he will begin taking initiative to satisfy the COAs and Tara Marcellus, applicant, stated financing has been the main cause of delay; however, she has plans for the septic system to be finalized. In response to Chair Freeman and Commissioner Kirkmeyer, Ms. Marcellus requested an additional year to satisfy the requirements and Mr. Sloan agreed, stating the structural engineering issues with the foundation of the second residence will be resolved by moving the building to the silos, which has a stable foundation. Responding to Commissioner Kirkmeyer, Mr. Sloan detailed an engineer is currently working to solve the electrical issues in the shop. Mr. Hall responded to Commissioner James’ inquiry, confirming the cleaning and screening of the non-commercial junkyard has been completed, but Mr. Sloan admitted the unpermitted home business continues to operate. In response to Commissioner Kirkmeyer, Ms. Marcellus stated she hired legal counsel in hopes of resolving any disagreements with Mr. Sloan and to allow the matter to progress, but she has not witnessed similar efforts from Mr. Sloan. In further response to Commissioner Kirkmeyer, Mr. Sloan requested 30 days to resolve the conflict between himself and the other applicants. Commissioner Kirkmeyer moved to continue said matter to October 5, 2020, at 9:00 a.m. Commissioner Moreno 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 9:35 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